











THE  
PENITENTIAL DISCIPLINE

OF THE  
PRIMITIVE CHURCH,

FOR THE  
FIRST FOUR HUNDRED YEARS AFTER CHRIST;

TOGETHER WITH  
ITS DECLENSION  
FROM THE FIFTH CENTURY, DOWNWARDS TO ITS PRESENT STATE:

*Impartially Represented.*

BY  
NATHANIEL MARSHALL, D.D.

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*A NEW EDITION.*

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T H E  
Penitential Discipline  
O F T H E  
*Primitive Church,*  
F O R T H E  
First 400 Years after Christ :  
Together with  
Its Declension from the fifth Century,  
downwards to its Present State,  
Impartially Represented.

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*By a Presbyter of the Church of* ENGLAND.

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O Mirabilem sacrosanctæ Antiquitatis pietatem & Religionem ! Quotus enim quisque in hoc rerum senio & propè occasu, plurimis & gravissimis noxis vel unam lachrymulam arcandò secum expendit ! At unius delicti conscientiam sanctissimâ illâ in Antiquitate, solidum triennium, etiam verò quadriennium, inspectante Ecclesiâ, propagamque lugebant ; non *elugebant* quippe, sed hanc sibi viam ad luctum atque ad Pœnitentiam muniebant. O veteris Disciplinæ sanctitatem mirabilem, quæ culpas sic amputabat, ut reliquum Corpus integrum & ab omni labe castum tueretur ! *Albaspin. de veterib. Ecclesiæ ritib. Lib. 2. Observat. 22.*

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L O N D O N,

Printed for W. TAYLOR at the *Ship* in *Pater-Noster-Row*, and H. CLEMENTS at the *Half-Moon* in *St. Paul's Church-Yard*. MDCCXIV.



## EDITOR'S PREFACE.

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THE following treatise was published anonymously in 1714. Dr. Marshall, however, in his preface to his translation of St. Cyprian, acknowledges it in the following words: "Perhaps it will be expected from me to apologize for my frequent references in the course of this work to a treatise which I published some time ago without a name to it, concerning 'the Penitential Discipline of the Primitive Church:' now my true and only reason for thus referring to it, was to save the trouble of enlarging farther upon subjects which are there properly handled, and which could not so well be deduced to their proper length, within the necessary brevity of notes."—(Pref. p. 20.)

Of the circumstances of Dr. Marshall's life but little is known. It appears from the Register of Emmanuel College, Cambridge, that "Nathaniel Marshall, of the County of Middlesex, was entered a pensioner of that house, July 8th, 1696. That he was admitted to the degree of LL.B. in 1702, and to that



of D.D. in 1717, by royal mandate ;” but no other mention is to be found of him in that College. The various preferments which he held appear in the title-pages of his several works.

In 1712, he preached before the Sons of the Clergy. In January, 1715, he was lecturer at Aldermanbury, and Curate of Kentish Town: when at the recommendation of the Princess of Wales, who was pleased with his preaching, he was appointed to be one of the King’s Chaplains, “whose favourable regard,” as his widow says, in her Preface to his Sermons published after his death, and dedicated to the Queen, “he had the honour to enjoy.” In 1717, he brought out his “Translation of St. Cyprian;” his “Defence of the Constitution in Church and State,” and his “Earnest Exhortation,” at which time he was Rector of the united parishes of St. Vedast’s, Foster-Lane, and St. Michael-le-Querne. In 1721, he published “A Sermon preached on January 30th.” He appears afterwards to have had the Lectureship of St. Lawrence, Jewry, and St. Martin’s, Ironmonger-Lane, and died, February 6th, 1730-1, Canon of Windsor.

He was buried at St. Pancras, leaving eight children, the eldest of whom was, at the time of his death, Rector of St. John the Evangelist.

In the course of the same year, his widow Margaret published by subscription fifty of his miscellaneous Sermons in three volumes, octavo, with a Dedication to the Queen; and a fourth volume appeared in 1750.

Dr. Marshall enjoyed the friendship of Dr. John Rogers (the Author of "The Visible Church"), whose funeral sermon he preached; and of Brett, who acknowledges, that Marshall, in his *Doctrine of the Primitive Church*, had set him right in some opinions he had put forth in his *Doctrine of Remission of Sins and Absolution*, published in 1712.

The present edition has been accurately reprinted from the original edition, with all the quotations carefully verified.

[Cf. Nichols' *Bowyer*, vol. i. pp. 141, 153, 481; vol. iii. 616.]



## PREFACE.

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IF the title-page which is prefixed to the following papers, will not prevail with the reader to look further into them, I have no expectation of success from any other persuasives which I can offer to him.

Discipline is a thing so little known to us, and that of the Primitive Church hath hitherto lain involved in such a number of voluminous writers, that the drawing it thence into a clear and open light would, I conceived, be a thing of much use and benefit. So that if I have performed this part well and faithfully, I am not without hope that I have done a good work. Whether I have so performed or not, the reader must judge for himself upon trial made of it.

As to my personal unfitnesses for such a service, it will be to no purpose to recount them, except my name were herewith published; and even then it would be needless to recount them, because they would be known without it.

But since the booksellers inform me that a book will not pass without a preface, and that the courteous reader expects to be civilly saluted at his entrance, it may not be amiss to prepare him for what shall follow, by acquainting him with what hath preceded, by what steps I was led into

a design of this nature, and with what helps I have prosecuted it.

I had long considered and lamented the difference between the ancient and present state of the Penitential Discipline ; and though I never thought the purity and perfection of this Discipline essential to the *being* of a Church, yet I could not but judge it highly conducive and expedient to her *well-being*. I considered, likewise, that very few were at all apprehensive of this matter ; and if it were suffered to continue thus unknown and unthought of, that the revival of it, to any degree, would be utterly impossible. As yet, however, I was far enough from a thought of engaging myself in the subject ; until communicating some of my doubts upon it to a very reverend and learned friend, whom to name as a party to this work were alone sufficient to commend it to the learned world, he was pleased to advise that I should set about it ; and after a little struggle with myself, and with him upon it, I was finally persuaded to engage in it.

Little did I, at that time, apprehend what a burden would hence be brought upon me, what a tract of time I was to take a view of, what a multitude of various occurrences I was to pass through, and what a number of books was necessarily to be consulted. I had then no materials by me more peculiarly fitted for this, than for any other work, which should oblige me to trace the Antiquities of the Primitive Church ; nothing but general hints of this, in common with other subjects, which I had at different times extracted from ancient authors.

But here I had some relief from the kind assistance of my



very learned friend, and should have had more if his broken health would have permitted him to have kept me company in these researches.

The distress I was under from the want of divers books which were necessary to be perused upon this occasion, was with great readiness and humanity made easy to me by friendly communications from a reverend and learned librarian.

This is a case which I cannot but lament in many of my brethren, who, I am sure, must hence be disabled from performing many good services, which they would otherwise be both able and willing to go through, if this want of books, and of access to good libraries, did not prevent them. If the design for parochial libraries were effectually prosecuted, this grievance might, to a good degree, be redressed ; but till the Clergy have a better provision than what they have, it will remain a grievance. And since their studies are designed for the public service, I cannot apprehend it an immodest expectation if they entertain some hope that the public purse will one day lend them sufficient aid.

But to return. When, by the helps I have related, I had formed a rough draught of the ensuing papers, it was communicated to some of the ablest judges, whose polite learning and great knowledge of antiquity, joined with exemplary morals and substantial piety, entitle them to the esteem and admiration of all who know or have heard of them ; and I can assure my reader that there are very few of this nation who are not in the latter number ; nor, I believe, any in the former, who do not esteem such acquaintances amongst the choicest blessings of their lives.

They were pleased, upon a careful perusal, to approve the undertaking, and to encourage it, I suppose, upon the common presumption, that a puny counsel might serve to open the cause and to make the motion, though much higher degrees of eloquence and learning would be required to prosecute and finish it. If this were their presumption, I most heartily concur with it; and do hereby beseech and exhort some of those many who are qualified so much better than myself for sustaining and adorning this province, that they would come and help me.

The work hath already received the corrections of judges as accurate and discerning as any friends can be; and it comes out, accordingly, with much greater advantage, as well as with the fewer faults, for having been so corrected.

Yet, because that natural candour, which is ever inseparable from great and good minds, together with some personal indulgence towards a well-meaning author, may possibly have rendered them too favourable in their strictures, I do further invite and encourage all who shall not think fit to animadvert upon me in a more public manner, to communicate their objections or doubts in private, which the publishers are instructed how they may convey to me. I promise to give them a thankful reception, and a fair examination, with all the secrecy which shall be desired from me.

I have many reasons for concealing my name, with which it will not be necessary to trouble my reader, though none, I will confess to him, of more weight with me than this: lest my name prefixed to it should prove, in some way or other,

a disadvantage to my performance. I have written nothing in it which I am ashamed or afraid of owning ; but, perhaps, by my not owning it, it may have the fewer enemies. And whatever becomes of the Author's person, I will acknowledge so much of an Author's fondness for his own work, as to confess that I should be glad to see it well received, because then the design of it will be best promoted.

I know not whether it will be fit to apologise for the length and number of the quotations, since, in a work of this nature, I should think an author very presumptuous who should expect to be credited upon the single authority of an *Ipse Dixit*. If I had not, therefore, produced my vouchers, I should have believed every reader would have called for them ; and if I had produced them only in a translation, I should have apprehended that the learned reader would have demanded the original, and would have complained of me for sending him to examine the propriety of my translations, amongst so many and various, and some of them not common authors.

The care I have used, both in the one and in the other will, I hope, secure me from the censure of my learned readers, and from the imputation of misleading my unlearned ones, by any passage of moment which is either cited or translated in the following papers.

I have nowhere taken any thing upon trust from modern authorities, nor am I conscious to myself that I have made any other use of our modern writers than what is particularly acknowledged in the body of the ensuing treatise.

Only it may be fit to inform the reader that, at my entrance upon this work, I read over what our most learned

Archbishop Usher hath written upon the subject, in his "Answer" to the Jesuit's "Challenge," together with a tract of "Penitential Confession," written about seventy years ago by an anonymous author, which was put into my hands by my very learned friend, whom I have already mentioned in the beginning of this Preface.

I have not cited either of these authors in the body of my work, because, indeed, I do not remember any particular use which I made either of the one or the other; though, as each of them might contribute to enlarge and perfect my ideas of this whole subject, I have judged it unfit to defraud them of their due acknowledgments.

I likewise went through that great magazine of learning which Morinus hath collected upon this occasion; from whose sentiments, however, I have taken the liberty to depart whenever I saw, or thought I saw, reason. For as no regards should be so sacred as those of truth, so, having extracted most of my materials from the fountain, I know not why I should be restrained from employing my own judgment in the use I made of them. If at any time I have been specially obliged to this or any other author, I have all along cited him by name, and referred to the place, that the reader, if he pleases, may the more readily consult him.

I have one thing further to advertise which, perhaps, may be thought to stand in need of some apology, viz. that, not having by me those huge and numerous volumes of the Latin Councils, which have been published severally by Labbee and Binius, I have frequently resorted to Mr. Howel's "Synopsis." But then, wherever I found or suspected him to be faulty, I have all along had recourse to

Labbee and Binius for further certainty. So that I hope no material error will hence be charged upon me.

After all, I am very far from the vanity of expecting that the Discipline of our Church should be regulated according to my scheme, as propounded in the fourth chapter. I wish I could have found words more expressive of my entire submission to that venerable body, with which all designs and attempts of this nature ought to be intrusted. However, as it is not their part to persuade or convince, but to appoint and order, there can be no harm in feeling beforehand how people are affected in endeavouring to apprise them of what hath so long been wanting, nor in trying what reception shall be given to such an undertaking. Upon me be the blame, if any thing in it be amiss or improper, and let those be acquitted who have had no hand in it.

Upon the whole, I have represented, as faithfully as I could, the practice of the Primitive Church in her Penitential Discipline. And in the offers I have made for a return to some part, at least, of her usages and customs, I have propounded them with all the tenderness wherewith I could possibly guard them. And I do further here profess, that I shall esteem myself amply recompensed for all the pains I have bestowed upon the ensuing papers, if our two Houses of Convocation will be pleased to take them into their protection, and enter, in such ways as shall seem best to their own great wisdom, upon any regulations of our present Discipline.





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THE  
INTRODUCTION.

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WHAT the Greeks call *μετάνοια*, and the Latins *Pænitentia*, that we express by the word 'penitence' or 'repentance.'

Now, as several things are implied in this, such as a change of mind, a compunction of heart, with all the discipline preparatory or subsequent thereunto, in the use of the word regard is differently had, sometimes to one, sometimes to another part of the duty.

The Greeks (as their expression imports) seem chiefly to have had in view that after-thought, that change of mind, of purpose, and inclination, which is always a considerable branch of this great duty.

On the other hand, the Latins<sup>1</sup> seem most to have fixed upon that compunction of spirit, that grief of heart, where-with a true penitent always afflicts his soul. We have followed the latter, and have borrowed our expression from them.

But how differently soever we may derive the word, whether from its causes, its effects, or its concomitants, we are well enough agreed in the thing, and have no dispute about the meaning of penitence or repentance.

So much of this duty as passes between God and our own souls, or as our neighbour may be concerned in, by way of restitution to him, is a large common-place in Divinity, which hath been copiously handled in practical discourses.

<sup>1</sup> Pænitentia appellata, quasi punitentia, eo quod ipse homo in se puniat pænitendo quod male admisit.—Isidor.

Hispalens. Originum, lib. vi. c. 19. [§ 71. ed. Areval.]

But the external discipline of repentance, that which the Church of Christ for so many ages applied medicinally to the distempers of her body; this hath lain a great while under gross neglects.

See our  
office of  
Communa-  
tion, which  
begins with  
a recogni-  
tion of the  
primitive  
discipline.

Once in a year we solemnly profess our wishes to have it restored: but if something farther be not contributed to its restoration, than our annual wishes, it will lie where it does, disregarded by all, and utterly unknown to the thoughtless many.

Our Church is justly esteemed the bulwark and glory of the Reformation; nor will it be any forfeiture of her character, if it be acknowledged, that she is not perfect. Perfection is a title she leaves to be usurped by those, which, of all communities (calling themselves Christian), have the least pretence to it: and it is pretty remarkable, that this claim is made by the Church of Rome as a body, and by the Quakers, each man for himself. Both would be perfect, and both infallible; whilst by these, and divers other arrogant pretences, they destroy their own claim, and prove themselves to be least, what they would most seem to be. Our Church makes no such haughty pretension, but owns her defect in the Office, just cited, and professes to wish that it may be supplied.

Whether the times will bear a restitution of the ancient discipline, or any approaches towards it, is not matter of private inquiry, but of public cognizance; and, as such, is humbly submitted to its proper judges.

But with all due deference to the higher powers, the Author sees no reason which should restrain him from endeavouring to awaken a sense of what we have lost in the minds of his readers, to compare past things with the present, and to shew wherein the difference (which is confessed) between them does consist.

If we are sincere in our professions of wishing that Godly discipline restored, whose loss and disuse we lament, the concurrence of many will go some way towards it. Authority may easily make it practicable to those who desire it (and some such it is hoped may be found even in this licentious generation); and for those who despise it (who, I am persuaded, will be found either amongst the profane or the

ignorant), they must go on to despise, till God in His mercy shall touch their hearts, or enlighten their understandings; but let them, meanwhile, beware of fighting against God.

It is the scorner's property to laugh, when he should mourn; and I expect he should exert himself, as usually, upon this occasion. Men who are accustomed to glory in their shame, and to mock at the distinctions between good and evil, have no address intended to them in this discourse.

The serious Christian (wherever found) is desired to peruse these papers with that impartial candour which the Author hopes he writes them with.

That stale and putrid imputation of Popery, is what he despises, from a consciousness that he does not deserve it, and from a full persuasion that no one will attempt to fix it upon him, who is at all acquainted either with him, or with his subject.

He writes for a restoration of that discipline to its ancient purity, which the novelties of Popery have corrupted, and conveyed to us, not so fully cleared (as we could wish it were) from the stains it hath thence contracted.

We answer with some difficulty, when a want of discipline is objected to us. If then it be a fault, why should it not be amended? If it be confessed, why should it not be remedied?

The age (it will be said) is loose, and will not bear it; though that be indeed a reason which most requires it. Perhaps the yoke of Christ's religion, easy as it is in its own nature, may yet prove too galling and heavy for such tender necks. But men who are sincere in their sorrow for sin, will contentedly take to themselves the shame of it; as knowing it will be better to expose themselves in the presence of a few gathered together in the Name of God, and under a sense of His all-seeing wisdom and Almighty power, than to be exposed against their wills, at the general assembly of the Resurrection. To such as are otherwise minded, no force is propounded; and therefore no cause of complaint is offered them.

But why then may not those who desire a conformity to primitive manners, and to Apostolic usages, be indulged in

such a reasonable demand? Why should they not be assisted in their pious purpose, and have it at least in their power to follow the ancient Church in the manner of their repentance?

If these papers shall fall into the hands of those in authority, the Author most humbly entreats their favourable perusal and protection of them, that what he writes with an honest design may, with their assistance, be made effectual.

A penitential Office hath been reckoned among the things which are wanting to us, that if any are willing to rank themselves in the class of public penitents (as in the Primitive Church many did of their own accord), they may thence be directed in their religious intentions, and led, as it were, by the hand, to the ministry of reconciliation.

Or if any shall be found deserving of a judicial censure, by public enormous crimes, and shall submit to discipline, and in a becoming manner desire a re-admission; that the way to this may be chalked out for them, and remission of sins be obtained by the Church.

This, therefore, is humbly propounded to the two Houses of Convocation, that they would begin to answer the great hopes which have been conceived of their perfecting what is wanting to us.

The juncture looks favourable, the eyes of the world are upon them, and somewhat is expected proportionable to their own great abilities, and to the encouragement they have from a gracious Queen to exert them.

Private men may write and wish; but they only can (as it is fit they only should) execute.

This, therefore, the Author submits to their great wisdom; propounding only to inquire into these four things, each of which will be the subject of a distinct chapter.

1. The foundation whereupon the Church builds her claim to the power which will be here asserted.

2. The use she made of it, and the manner wherein she exerted it, for the first four hundred years.

3. The departure of the Western Churches from the primitive model.

4. Whether any revival of this might be practicable; or

how far it might be so, if it should seem good to authority to make the trial.

Under some of these heads most of what is designed to be written upon this subject, will easily be comprehended ; only it will be fit to let the reader know, at his entrance upon these inquiries, that the discipline here all along intended to be spoke to, is a branch of that power, which is commonly called “the power of the keys,” or the actual exercise of that authority which was granted by Christ to His Apostles, of binding and loosing, of remitting and retaining sins.

This, if it shall appear to have been really granted by Christ to His Apostles, and by them transmitted to the Church for all succeeding generations, is a *depositum* and trust of such great importance, that I know not how we shall be able to excuse our departure from it.

To St. Peter  
in St. Matt.  
16. 19.

To the rest  
in St. Matt.  
18. 18.

Again, un-  
der another  
title, St.  
John 20. 23.







THE  
PENITENTIAL DISCIPLINE  
OF THE  
PRIMITIVE CHURCH.

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CHAPTER I.

THE FOUNDATION WHEREUPON THE CHURCH BUILDS HER CLAIM  
TO THE POWER HERE ASSERTED.

THIS foundation is threefold. For 1. Somewhat there is of this kind founded in common reason. 2. She hath an express charter to bear her out in it. And 3. Her construction of the sense wherein she understands the words of that charter, is derived to her from general and current practice, as well before as after the delivery of these powers to her by Christ, her Founder.

SECTION I.

Somewhat there is of this kind, which is founded in common reason, that the Church, as a society, should have the powers belonging to her, which are necessary to her support and preservation.

Now, there can be no society without government; and there can be no government, without a power to encourage the orderly and obedient, and to discountenance gainsayers, and such as "walk disorderly."

But then, as our Saviour's "Kingdom was not of this world," it was none of His purpose to interfere with the

2 Thess. 3. 6,  
7, 11.  
John 18. 36.

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rulers of it, nor to invest the governors of His Church with any other powers than what should be purely spiritual.

Some outward and visible form of government was however necessary to the Church, for her external polity; and as there was an outward admission to the privileges of Church-membership, so it was expedient to the honour of the Spouse of Christ, and from the design of her founder requisite, that she should retain no scandalous followers in communion with her; and therefore, as they were admitted into fellowship with her by one solemn ceremony (viz. that of Baptism), it was very proper that they should be cut off from her by another (viz. that of judicial censure). Again, that upon their humble desire of reconciliation, they should be restored by a third (viz. that of Absolution). And finally, that the intercourse and commerce between her faithful members, should be maintained by her great sacrifice of praise in the Holy Eucharist.

Since the Church of Christ is really a society, and yet hath none of that outward coercive power, wherewith the civil magistrate enforces his laws, it was fit she should have something in lieu of it, whereby her members might either be kept to rule, or else be disowned by her, and excluded from all further correspondence or communion with her.

We can never frame to ourselves the notion of a society, which hath not some bands and ties to cement it; so that if the Church hath no other than what affect the conscience, it is fit at least that these should be left to her. And these are what the civil power can never have reason to be jealous of; since a man may, to all intents and purposes, discharge his several duties to the State, who yet is cut off from all intercourse with the Church.

The powers belonging to each, their manner of government, and their ways of operating upon the hopes and fears of their respective members, are so totally different from each other, than they can never clash, whilst each confines itself to its proper province.

And, indeed, all the inconveniences which have been attempted to be fastened upon this claim of the Church to an independent power, are founded upon remote possibilities of

I know not what abuses, which would alike affect any claim of power whatsoever.

Reason, therefore, alone will carry us so far in this inquiry, that the Church, as a society instituted by Christ, should have the powers necessary to her support and government, that she should have somewhat wherewith to keep her members within the rules and orders of her Founder. For it were absurd to suppose of so wise a Founder, that He should have left her in such a naked and destitute condition as to have no rules of government, no bands of union between her members, no common ligaments wherewith to keep the body compact, and to preserve it in health and vigour.

St. Cyprian<sup>1</sup> gives discipline its just encomium, when he ascribes to it the 'preservation of our faith and hope; our guidance to Heaven; the increase of all good dispositions in us; the support of all virtue; our abiding in God and Christ, and our partaking at last of their blessed promises.' He might well therefore subjoin, as he did, that 'to adhere to it was beneficial; and to despise or neglect it, fatal.'

Reason will easily subscribe to his judgment of this matter; and I wish there were no occasion to observe, that experience hath confirmed it to us, by our want of discipline, and of these advantages together.

But now, though reason may give us some general hints, that discipline and government are necessary to the Church, as she is a society, yet what this government should be, or wherein this discipline should consist, could not have been thus determined; so that either its governors must have been left entirely to a discretionary power, which perhaps its members (as a voluntary society) might not have acquiesced in; or else,

2. Recourse must be had to the original deed and charter which incorporated them; and thence we must endeavour to trace the lines and footsteps of the powers which therein are specified.

<sup>1</sup> *Disciplina custos spei, retinaculum fidei, dux itineris salutaris, fomes ac nutrimentum bonæ indolis, magistra virtutis, facit in Christo manere semper ac jugiter Deo vivere, et ad promissa Cœles-*

*tia, et Divina præmia pervenire. Hanc et sectari salubre est, et aversari ac negligere lethale.—Cypr. de Disciplin. et Habit. Virgin.*

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## SECTION II.

Now, that the Church had some powers of this kind to take cognizance of her members' offences, we may learn from our Saviour's direction in the case of a brother trespassing against another. First, "there was to be a private admonition; if that would not do, it was to be repeated in the presence of one or two witnesses. If this method proved unsuccessful, the Church he belonged to was to be interested in the matter; he was to be solemnly convened and rebuked in public. But if nothing of all this would be available, then, as the last remedy, he was to be expelled from it; to be as a heathen man and a publican." And whatsoever should thus be done upon earth, in virtue of our Saviour's commission (for it was not to the mixed multitude, but to His Own immediate Disciples, that our Lord upon this occasion spoke), had a promise from Him of being ratified in Heaven. "Verily, verily, I say unto you, Whatsoever ye shall bind on earth, shall be bound in Heaven; and whatsoever ye shall loose on earth, shall be loosed in Heaven."

Matt. 18. 15-18.

See Matt. 18. 1.

Matt. 16. 19.

The authority He had before given to St. Peter upon a particular occasion, He here confirmed to His other disciples.

The Jews (we shall see) were enough acquainted with the terms of binding and loosing, of being to them as a heathen man and a publican, to understand the full import of them, without further explication. So that we are not to wonder, if this authority was couched in expressions, which to us, at this distance, may seem loose and general, intricate and involved; because at the time when they were delivered, they had a clear and well-known reference to the current practice of Excommunication, which our Lord apparently hence intended to adopt into His Church.

Origen<sup>1</sup> so interprets this passage, or tells us at least, that the bishops of his time claimed hence their powers. 'The

<sup>1</sup> *Hi qui Episcoporum locum sibi vindicant, utuntur eo dicto sicut Petrus, et claves regni Cœlorum a Servatore acceperunt; docentque ea quæ ab illis ligata fuerint, hoc est, condemnata, eadem et*

*in Cœlis ligata; rursus ea, quæ soluta fuerint ab ipsis, eadem et in Cœlis esse soluta.*—Origen. Latin. Basil. Edit. In Part. I. Super Matthæ. Tract. 1. [Cf. Ed. Bened. vol. iii. p. 531.]



Bishops (says he) make the same application of that saying (viz. of binding and loosing) which St. Peter did, “and have received the keys of the Kingdom of Heaven from our Saviour, and teach us, that whatsoever they bind here, *i. e.* condemn, is bound likewise in Heaven; and whatsoever they loose here, is also loosed in Heaven.”

In St. John we have a more emphatical and solemn renewal of these powers to the Apostles after our blessed Lord's Resurrection, when He seemed to be giving His last orders. “Then said Jesus unto them, Peace be unto you: as My Father hath sent Me, even so send I you. And when He had said this, He breathed on them, and saith unto them, Receive ye the Holy Ghost: whosoever sins ye remit, they are remitted unto them; and whosoever sins ye retain, they are retained.” John 20. 21-23.

The reverend and learned Dr. Hammond hath well observed upon this, that the word κρατέω, which we render ‘retain,’ hath the same signification with δέω, ‘bind,’ only the former is somewhat more emphatical, and signifies indeed to ‘keep bound.’ The word ἀφίημι, ‘remit,’ refers to sin, as a debt; whereas the word λύω, ‘loose,’ refers to it as a bond or chain. But that λύω, ‘loose,’ has reference to sin, as well as ἀφίημι, ‘remit,’ and that sins are said to be loosed, in the same sense wherein they are said to be remitted; this is evident from what the above-mentioned Author hath observed out of a passage in the LXX. concerning Job and his friends; whose sin (say those interpreters) the Lord loosed or remitted at the mediation of Job. We translate it, “The Lord accepted the person of Job:” but the words in the LXX. run thus, “The Lord loosed their sin through Job;” *i. e.* through his means, or at his intercession. See Dr. Hammond upon the place.  
Job 42. 9.  
ὁ Κύριος ἔλυσεν τὴν ἁμαρτίαν αὐτῶν διὰ Ιώβ.

Thus much I have thought fit to suggest, that it might appear the passages in St. Matthew and St. John have much the same signification; that binding and loosing are equivalent terms to retaining and remitting.

Morinus<sup>1</sup> hath exhibited some of the Jewish formularies,

<sup>1</sup> Talis tenetur excommunicatione Schamata, domus judicii, excommunicatus est et suscepit judicium legis, et judicium Rabbanim; nunc solvat illum, et parcat ei, qui dixit Mosi, Peperci secundum

dum verbum tuum, ipse solvet eum, et parcet ei.—Morin. de Administrat. Pœnitent. lib. iv. cap. 23. Al. ibid. Dimissum est tibi, parcitum est tibi.

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wherein they absolved from Excommunication; and there the very words of loosing and remitting, are applied to the purpose we are now contending for; nay, even Mr. Selden,<sup>1</sup> though a professed enemy to our present construction of the powers contained in binding and loosing, yet hath proved it unawares to have a just foundation in the Rabbinical learning, himself interpreting that of Rabbi Samuel, "The sound of the trumpet binds, and the sound of the trumpet looses," concerning Excommunication and Absolution; the sound of the trumpet being, it seems, an usual ceremony attending upon that discipline.

If, therefore, a certain foreign author<sup>2</sup> had not been very much resolved to have opposed Dr. Hammond at all adventures, at the hazard of the text and of his own credit together, he would never have fetched his interpretation of binding and loosing so far, as from a power to inflict and to cure diseases, which was only an accidental and temporary consequence attendant upon the power of binding and loosing. Satan, indeed, is said in St. Luke to have bound<sup>3</sup> the woman who had a spirit of infirmity upon her; and she is reported, when cured, to have been loosed from her bond, loosed from her infirmity. But would our author hence argue, that the power of the Apostles and of Satan in binding, were perfectly the same, because the expressions of it are so? We will allow him, if he pleases, a part of what he contends for, viz. that a power of inflicting diseases was granted to the Apostles, as well as the power of mere excommunication; but yet the Church (we insist) might, and did derive the one from the Apostles, although the other did not descend to her as a standing gift; nor was there any reason why it should, when there was no farther occasion for the continuance of miracles.

Our Saviour sent indeed His Apostles, as He Himself was sent by His Father; and yet not in all points as Himself  
John 3. 34. was sent; for to Him "the Spirit was given without mea-

<sup>1</sup> Flatus cornu ligat, et flatus cornu solvit.—Selden de Synedr. veter. Ebræor. Lib. i. cap. 7.

<sup>2</sup> Mr. Le Clerc's Supplement to Dr. Hammond. See him on the two passa-

ges cited from St. John and St. Matthew, p. 5.

<sup>3</sup> Luke 13, 11-16. ἔδησεν ἀπολείψαι τῆς ἀσθενείας σου λυθῆναι ἀπὸ τοῦ δέσμου.



sure ;" whereas they had only an occasional and stinted portion of it. In like manner they sent others as themselves were sent ; and yet not in all respects with the same privileges and powers wherewith they were themselves invested ; but with all which were expedient for planting, and watering, and governing the Church of Christ.

Mr. Le Clerc hath lived long after Dr. Hammond, and hath had the opportunity of espying some flaws in the notes and paraphrase of that great good man : yet, methinks, his piety as a Christian, and his learning as a scholar, might have screened his memory from being insulted by any man who should ever pretend to either of those two characters.

But I return, and proceed to put this matter upon its last issue.

### SECTION III.

Now that which, added to the two foregoing considerations, should put this case beyond all question, is, the general and current practice, which hath all along obtained, as well before as after the delivery of these powers to the Church, by Christ her Founder.

The practice which obtained before, made any general or distant hint intelligible to those who lived at the time and upon the spot, and consequently must have known the usages of the age and place they lived in.

The reason of the thing, the fitness that somewhat of this kind, some such authority as is here contended for, should be granted to the Church as a spiritual society (the weapons of whose warfare were not therefore to be carnal), 2 Cor. 10. 4. I say, the reason of the thing would contribute a good deal to the explication of any such power, when it should in fact be granted.

It is not here asserted, that either, or that both of these pleas together, would have entitled the Church to an exercise of this jurisdiction, without a more express conveyance of power to her. But when the reason of the thing had suggested the fitness of somewhat like it ; when a practice had moreover obtained, which very nearly resembled it ; and when a precept was delivered, which did manifestly enforce the continuance of that practice, the Disciples of our Lord

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could not well do otherwise, than it will appear they did. Those who followed them, and had means of knowing their opinion in any case of doubt, easily took it from them; and thence it is obvious to conceive, how the usage should spread through succeeding generations.

See Book of  
the Rights,  
pp. 42, 43,  
96, 98, 99.

The Author of that infamous book (ridiculously entitled, “The Rights of the Christian Church”), is so far from denying the extensiveness of the practice, that he labours to prove it, and quotes divers passages from Tacitus of the Germans, from Cæsar of the Gauls and Britons, and from Josephus of the Jews, to confirm it, and to magnify the horrors of an Ecclesiastical censure. But then he would insinuate, that the Christian derived it from the Heathen Priests; although (if such a witty Author could have balked the jest of it, and have allowed himself to be serious) it would have looked more probable to have said, that the Christian borrowed it from the Jewish Priesthood. This would have carried some appearance of truth with it; and for that very reason, it is not unlikely this suspicious Author might be afraid of it. Thus much, however, we may fairly gather from his confession of the practice being so general, that it seems to have been essential to religious societies, since it was in current use, where there could be no just pretence of its being concerted, in so many, such various, and such distant places.

As to the Jews, their practice in this case was notorious at the time when our Saviour grafted the powers of His Church upon it. It is not material to inquire whether they had the immediate appointment of God for such usage or not, since it is evident from the case of our two Sacraments, that our Saviour might and did form His Own institutions upon the model of human customs.

Nidui, Cherem, and Scham-matha.

Morin.  
Lib. i. c. 20-  
22. de Ad-  
ministrat.  
Pœnitent.

Among the Jews, the three degrees of this discipline were famous, and have been noted by all writers who have ever touched upon the subject. Great were the encomiums which the Rabbis of those days bestowed upon confession and penance. Morinus hath made large collections out of the Jewish doctors to this purpose. There was, indeed, no common place amongst them more beaten than this; so that there needed no minute nor circumstantial explication

of a precept, which had already the comment of current practice to illustrate it.

In the temple-worship, it is plain that the ministry of the Priest was very considerable towards the forgiveness of sins. The Priest was first to make an atonement for the sin, and then the party was to have it forgiven him. Levit. 5. 10.

The reader shall not longer be detained in proving to him what no man, I believe, hath the hardiness to deny of the Jewish practice, both before and after the age of the Gospel.

Now the Apostles cannot well be supposed to have been ignorant of what was in daily use among their own countrymen. When, therefore, they were themselves to be invested with powers of much the same kind and nature, they easily understood what was so familiar to them, and what from their very infancy they had been all along acquainted with.

When it was said to them, "Go ye therefore, and disciple all nations, baptizing them," &c. the practice of baptizing was so well understood, that there could be no want of any further explanation. Matt. 28. 19.

When again it was said to them, "Do this in remembrance of Me;" the postcœnium of bread and wine was an usage so common, that there could be no occasion for enlarging upon it, nor for deducing it to them with any further particularity. Luke 22. 19.

What their sense of these matters was, we gather from their practice, and thence are taught to receive members into the Church of Christ by the Ordinance of Baptism, and to continue our fellowship with Him, by shewing forth His death, and representing it to His Father in our Eucharistical oblations.

Had we no lights from history to inform us of the practice which succeeded these several precepts, I very much doubt whether we should have had left amongst us any footsteps of it, or whether we should have been able to follow without such a guide. The Scriptures, when well understood, are indeed sufficient directions to our faith and practice: but in order to understand them, proper helps must be used; and

CHAP. among these, I know none of such consequence, as the  
I. concurrent voice of antiquity.

Now to apply all this to the matter in hand.

The Apostles of our Lord were manifestly invested with some powers or other, when they were authorized to bind and loose, to remit and retain sins. But how then shall we know what these powers were? Whether they belonged to the ordinary, or to the extraordinary parts of their Office?

It hath already been observed, that the Apostles themselves had easy access to the means of knowing what was implied in those powers from the usage of the Church they lived in, besides the advantage of familiar converse with their Master, and the promise of being led by His Spirit into all truth, when Himself should leave them. So that if we can come at the knowledge of their practice, we shall at least be informed from thence, what of privilege, or of power, was to them conveyed by the grant of binding and loosing.

And if we can likewise come at the knowledge of what their nearest followers did in pursuance of the powers they received from the Apostles, and can trace the practice downwards from the fountain, to the distance of three or four hundred years, we then shall be pretty well able to ascertain the standing powers of the Church, and what was intended to be of perpetual use in it.

For it is not imaginable, that in a thing of this consequence, wherein all her external polity was so deeply interested, the Apostles should suffer their earliest followers to run into manifest error, and to continue in it, when themselves were in possession of the means, either to prevent or rectify it. Nor is it conceivable, that such an error should spread universally, when appeals might be made so easily to those who were conversant themselves with the persons of the Apostles, or at least received their religion from such as were so. In a tract of time, it is intelligible enough how truth may be corrupted: but where a practice of confessed importance is founded upon precept, and can be traced moreover to the fountain, no man will easily persuade me that it is not pure and genuine.



Now that the Apostles did exercise some such authority as is here contended for, over the Christians of their times, is evident enough, and cannot be disputed. The case of the incestuous Corinthian, and the solemnity wherewith St. Paul delivered him to Satan, may be seen in his first Epistle to that people; "with such an one" he directs his Corinthians, not to keep company, no, "not to eat," if they could well avoid it. In about a year after, when that discipline appeared to have wrought its designed effect, we find the Apostle soliciting his restoration, his forgiveness, and telling the Church that he had already forgiven him in the person of Christ.

The same Apostle will furnish us with some further examples of the like case, where he informs Timothy of his having exercised this discipline upon Hymenæus and Alexander, and where he denounces against such as love not the Lord Jesus, the highest of those Ecclesiastical censures, which were so well known to the times he lived in, viz. that of *Anathema Maran-atha*; which, as Morinus hath observed, and Mr. Selden himself, with much ado, acknowledges, is easily reducible to the Jewish *Schammatha*, as the single *Anathema* might be to the degree of censure next to it, viz. that of *Cherem*.

Since, therefore, it appears, that upon the grant of this power to bind and loose, to retain and remit sins, there did commence a practice of excommunicating and absolving, answerable to, though not in every circumstance exactly resembling, the Jewish custom, which did then obtain; since the very terms of binding and loosing are confessed, by one of our most learned adversaries, to be capable of such a meaning, and sometimes to have been, in fact, applied to express and signify it: what room can be left for doubting whether the Apostles did not understand our Saviour's design in those terms, to have been adopting a Jewish custom into a Christian institution?

This was no novelty to them, as being plainly the case of the two Sacraments; and therefore, indeed, the very same principles which have served Mr. Selden in his attempt to prove that the discipline of the Apostles, and of the Primi-

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tive Church, was only a spontaneous imitation of a Rabbinical practice, might have served him, if he had pleased, in proof of the two Sacraments being so likewise. For where, at last, I would inquire, is the difference between the two cases? If the one was in its original an human institution, so it might be pleaded was the other; if the one was used by the Jews in a different manner from what it was afterwards by the Christians, so it may be as truly said was the other; but if the two Sacraments were adopted into the Christian Church by express authority and warrant from Christ, so, if we may trust the Apostles as fit interpreters of their Master's meaning, was the discipline for which we are now contending. We have, indeed, as much evidence of their understanding His authority to be concerned in the one case, as we have of their understanding it to be concerned in the other.

What, therefore, Mr. Selden hath observed of the difference between the Christian and the Jewish discipline, makes rather against his design than any way promotes it.<sup>1</sup> For it proves that the Christians did not use it, as he would insinuate, under the denomination of Jews, or as taken together for one people with them;<sup>2</sup> but that they used it in a manner distinct from the Jews, and as founded upon a different authority.

Therefore though one private man might excommunicate, and sometimes absolve, another among the Jews, it will not follow that it either was or ought to be so among Christians. The master of the family might and did celebrate the eucharistical *postcænium* among the Jews; but when that ceremony was transplanted into the Christian Church, this circumstance in it was altered, and the celebration was apparently reserved to the chief Minister of the Church.

Mr. Selden confesses, that there was a very general and current departure of the Christian from the Jewish usage of this discipline, in the second century, though he cannot give

<sup>1</sup> Mirum erat inter Absolutionem Judæismi veteris, et eam quæ apud Christianos inoleverat, discrimen.—Selden de Synedr. lib. i. c. 9.

<sup>2</sup> Judæorum nomine Christianos pariter contineri, merito sentiunt eruditi.—Ibid. [lib. i. c. 8, p. 900. cf. pp. 899, 915.]



us the precise era of the change when made.<sup>1</sup> But yet he would expect his reader should grant him, what he acknowledges himself unable to prove,<sup>2</sup> that the Apostles used this ceremony of Excommunication, just as their brethren the Jews did, without the least variation. He says he cannot conceive that they should use it in any respect otherwise. But why could he not as well have conceived they should depart in this from their brethren, as they apparently did in many other usages, which yet were originally derived from Jewish customs?

I can as little conceive, that the Christians who lived so near the time of the Apostles, as Irenæus and Justin did, should choose to depart from the model they had received from the Apostles of Christ, as Mr. Selden could conceive of the Apostles themselves, that they should depart in the least tittle from the custom of their countrymen.

When Mr. Selden was at any time pressed with apparent fact and history, it was always his custom to run his reader into the dark, and there to leave him to shift for himself; or else to catch at inuendoes and conjectures, which he was ever ready to furnish, at the expense of all probability, so he might disserve the Church which he mortally hated.

In a thing so material as this was, it is utterly indeed incredible, that there should be a departure from an Apostolical usage, the reason of which was then as much in force as ever, and yet that no noise should be made of it, nor any clue be given, to lead us into the precise era, or occasion of the change. If this be once allowed as fairly supposable, there will be an end of proving any ancient practice. The first writers of our religion had so much work upon their hands, that they had little time to be particular in their

<sup>1</sup> Quandonam primo discrepantia ejusmodi inter Christianæ et Judaicæ, seu vetustioris Excommunicationis effectus inciperet, non quidem satis liquet. Sed ante Origenis ac Tertulliani, etiam et Irenæi tempora juxta jam dicta effectum, quoad sacrorum communionis negationem, inolevisse non dubitandum. Ignatiana quæ extant non habent unde satis hic doceamur. Occurrit quidem apud Justinum Martyrem, Irenæo paulo

antiquiorem, in *Apologia ejus secunda* locus, quo dicitur, ut tunc receptissimum, alios quam qui juxta Christi disciplinam crederent ac viverent, participes fieri non debere Eucharistiæ.—Selden de *Synedr.* [lib. i. c. 8, p. 900.]

<sup>2</sup> Haud concipiendum videtur Apostolos . . . inter se non jure Judaico in Excommunicationis suæ pœnis exercendis usos esse, idque omni modo ut Judæi faciebant reliqui.—*Ibid.* lib. i. c. 8, [p. 901.]

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have professedly told the men of that generation what were the current customs of the time they lived in; so that if they occasionally mention such customs, it is all we can expect; and if others, who came after them, speak more fully to such points, we must either join their evidence together, or be content to know nothing of the ancient Church.

Now, Mr. Selden always makes his advantage of a dark period, to mislead his reader by his own conjectures, and to supply the want of evidence with abundance of fancy; whereas the proper course had surely been to have led his reader gradually to the light, as it should appear to open; and since there is some necessity of supposing, where proof is wanting, to have rather supposed the usage of the second the same with that of the first century, than to have suggested a change where none could be proved.

But when men are bent upon an hypothesis, all their talents and all their learning shall be pressed into the service, and forced upon being parties, when they should be judges.

But to return. It is not, for the reasons given, to be at all admired, that what the Apostles and their earliest converts did in prosecution of the trust reposed in them, should come to our knowledge by such broken parcels. Yet as to their actual exercise of the discipline which is our present subject, there is ample evidence. We have seen, nor is it denied, that the Apostles used it; and we shall see that their nearest followers took it from them, and handed it down from themselves to others.

We will begin with the earliest, viz. Clemens Romanus, who was contemporary with the Apostles, much acquainted and conversant with them, and is accordingly mentioned by Phil. 4. 3. St. Paul with honour. His Epistle was read, together with the Scriptures, for some ages in the Church; and the first copy we ever had of it, was found annexed to a volume of the New Testament; so that upon all accounts his testimony should carry great weight with it.

Now, in that Epistle to the Corinthians, which is unquestionably his, we have a passage much to our present purpose, where, addressing himself to the principal abettors of

the schism there, he bespeaks them in these words: "Do ye therefore who laid the first foundation of these broils, submit yourselves to your Priest, and be disciplined unto penance, bending the knees of your hearts, and laying aside all indecent arrogance of speech, learn to be obedient. For it is better to be found in the flock of Christ little, so you be withal approved there, than to be cast out of his fold [or enclosure] for your pride and misbehaviour."<sup>1</sup>

This manifestly refers to the penitential discipline, of which we have a further account in succeeding writers. He exhorts them, we see, to submit to discipline; so that a discipline there was then in use, and it consisted in expelling offenders from the fold of Christ; or rather from that enclosure which parted the faithful from penitents and hearers in the assemblies for worship.

I have ventured to depart a little from the translation of a learned writer,<sup>2</sup> now a right reverend Prelate of our Church, for whose person, and character, and great accomplishments, I have otherwise all possible regard. His lordship hath been pleased to render the words παιδεύητε εἰς μετάνοιαν, 'Be instructed unto repentance,' which is indeed literally true, though here, I conceive, with great submission, not quite so proper. For among Ecclesiastical writers, his lordship very well knows, that the Latin *pœnitentia*, and the Greek μετάνοια, do often, indeed usually, refer to the outward discipline of repentance, which we call penitence, or penance. And, indeed, by this very author, the word παιδεύητε is applied just before (in no fewer, I think, than six several passages) to signify correction rather than instruction. He is labouring in them to shew these Corinthians the advantages of correction, and thence persuading them, in the passage I now have cited, to submit to it.

Whether the second Epistle ascribed to St. Clement be

<sup>1</sup> Ὅτι οὖν οἱ τὴν καταβολὴν τῆς στάσεως ποιήσαντες ὑποτάγητε τοῖς πρεσβυτέροις, καὶ παιδεύητε εἰς μετάνοιαν, κάμψαντες τὰ γόνατα τῆς καρδίας ὑμῶν, μάθετε ὑποτάσσεσθαι, ἀποθίμνοι τὴν ἀλάζονα καὶ ὑπερήφανον τῆς γλώσσης ὑμῶν αὐθάδιαν ἄμεινον γὰρ ἔστιν ὑμῖν ἐν τῷ ποιμένι τοῦ Χριστοῦ μικροὺς καὶ ἰλλογίμους ἐρεθῆναι, ἢ καθ' ὑπεροχὴν δοκούντας κριθῆναι ἐκ τῆς

ἐκκλησίας αὐτοῦ· or, as the learned editor amends it, κηλιδος, or ἐκκληλιδος αὐτοῦ. — Clement. 1 Epist. ad Corinth. [§ 57. Cot.] edit. Patric. Young. A.D. 1633.

<sup>2</sup> Dr. Wake's (now Lord Bishop of Lincoln) Genuine Epistles of the First Fathers translated, A.D. 1693. N.B. The second edition is here the same.

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really his, I will not undertake to determine between two such men as Cotelarius and Archbishop Usher.<sup>1</sup> But be it whose it will, it is certainly the work of some ancient author; though Eusebius does indeed doubt of its being our St. Clement's, because he did not find it quoted as such by preceding writers.<sup>2</sup> This author, then, whoever he may be, mentions the *Exhomologesis*, or 'solemn confession,'<sup>3</sup> to be in his time, what afterwards it was so well and so indisputably known to be, viz. an attendant upon the penitential discipline.

Hermas was contemporary with St. Clement, had the Rom. 16.14. honour of an Apostolical salutation, and of great esteem paid both to his memory and to his writings by those who lived near him. However, because some have, with great boldness and rashness, objected to this venerable Apostolic person, that he was a man of slender talents and a visionary writer, I will say, once for all, of him, what I would be understood to mean of the rest, that I cite him as a witness, but do not appeal to him as a judge. Now, if a witness be but faithful, it is all we expect from him in that capacity. Fact, not right, is what we are to inquire of him; and it requires no great extent of knowledge to inform us of that.

He, then, speaking of repentance after Baptism, hath these words: "If any one, after that great and holy calling, shall be tempted by the Devil, and so shall fall into sin, he hath but one repentance."<sup>4</sup> He had said a little before, that "to the servants of God there is but one repentance." Here, I think, he must be understood as referring to the outward discipline of penance; that as Baptism, so penance, was but once administered; which well agrees with what we find afterwards, in later writers, viz. Tertullian, Ambrose, and Austin, concerning this administration, that it was allowed

<sup>1</sup> Vide Cotelar. Judicium de Posteriore Epistola St. Clementis et Usser. Dissertat. Oxon. edit. 1644.

<sup>2</sup> Ἰστέον δ' ὡς καὶ δευτέρᾳ τις εἶναι λέγεται τοῦ Κλήμεντος ἐπιστολή· οὐ μὲν ἔθ' ὁμοίως τῇ προτέρᾳ καὶ ταύτην γνώριμον ἐπιστάμεθα, ὅτι μὴ δὲ τοὺς ἀρχαίους αὐτῇ κεχρημένους ἴσμεν.—Euseb. l. iii. c. 38.

<sup>3</sup> Μετὰ γὰρ τὸ ἐξελεῖν ἡμᾶς ἐκ τοῦ

κόσμου, οὐκ ἔτι δυνάμεθα ἐκεί, ἐξομολογήσασθαι ἢ μετανοεῖν.—Clement. in Epist. 2 ad Corinth. sect. 8. Cotelar.

<sup>4</sup> Ideo dico tibi, quod post vocationem illam magnam et sanctam, si quis tentatus fuerit a Diabolo, et peccaverit, unam penitentiam habet.—Herm. Pastor. lib. ii. mandat. 4. Servis Dei penitentia una est.—Ibid.



but once, or at most but once for the same offence. He cannot be supposed to have meant, that sorrow for sin, and resolutions of amendment, might never be repeated after a single crime, since of such he does not peremptorily pronounce as to their acceptance with God. He does, indeed, represent the difficulty, but meddles not with the possibility of it, inasmuch as the mercies of God might possibly enough accept the persons of those whom the Church, for example's and for order's sake, was obliged to continue in a state of separation. The Church herein dealt with her members after penance, as the Montanists and Novatians did with their partizans in the case of sin after Baptism, viz. allowed them to hope for mercy from God upon their penitential mortifications, but admitted them not to her own Communion. Here, therefore, I apprehend a clear and apparent reference to the discipline of penitence, or penance.

Difficile  
vivet Deo.  
Herm. Pas-  
tor, lib. ii.  
mandat. 4.

The same author hath elsewhere spoken clearly and fully to the practice of separating offenders for some time from the Church.<sup>1</sup> "Who are they," he asks, "who are rejected from the tower" (which in that vision signifies the Church), "and are placed near it, but not in it?" He is answered, "They are such as have sinned, and would afterwards do penance for their fault. They are therefore," it is observed, "not put far out, because upon their penitence they may be useful in the fabric," which is there represented as building. Again, "Do you think," says the person there introduced to Hermas, "That those who do penance are presently forgiven? No! for such must afflict their souls, and humble themselves, and go through many severities; and when they have submitted to every thing appointed for them, then perhaps He Who made and fashioned them, will have mercy upon them,

1 Quos autem rejiciebant et ponebant juxta turrin, qui sunt illi? Ii sunt qui peccaverunt, et voluerunt pœnitentiam agere. Propter hoc non sunt longe projecti a turri, quoniam utiles erunt in structura si pœnitentiam egerint. — Herm. Pastor. lib. i. vision. 3, [§ 5.]

Nunquid ergo, ait, protinus putas aboleri delicta eorum qui agunt pœnitentiam? Non proinde continuo; sed

oportet eum qui agit pœnitentiam affligere animam suam et humilem animo se præstare in omni negotio, et vexationes multas variasque perferre; cumque perpressus fuerit omnia, quæ illi instituta fuerint, tunc forsitan Qui eum creavit, et Qui formavit universa, commovebitur erga eum clementia Sua et aliquod remedium dabit. — Ibid. in lib. iii. similitud. 7.

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and administer to them some remedy." What is appointed for them denotes to us the rigours which were even then enjoined them.

St. Ignatius hath some passages to our present purpose, which because they refer to the agency of the Bishop in the sinner's repentance, the reader will find cited at his entrance upon the last section of the second part of the next chapter.

There he may observe, that the "Bishop's authority was to be recognised in this affair, as well as God's; that nothing was to be done in the Church without the Bishop," and that such as "deny his authority," were to "be cut off from the body of Christ;" *i. e.* were to receive the highest sentence of Excommunication, and to continue under it, till they should make their submissions, and be allowed to re-enter the Church through the door of penance. Other writers, between these and St. Justin the Martyr, are so very concise, and we have so little of them remaining to us, besides fragments, that we are not to wonder if we meet with no account of this usage in them. What hath been already cited, was written occasionally, and upon no professed design of acquainting us with what we infer from thence.

But St. Justin the Martyr, who flourished about the middle of the second century, will inform us, that it was the usage of his time to admit none to the Communion of the body and blood of Christ, but such as believed in His doctrine, and lived conformably to His appointments. "This food," says he, "is called among us the Eucharist, which none are suffered to partake of, but those who believe the truth of our doctrines, and are washed in the sacred laver of regeneration for the remission of sins, and live moreover as Christ hath commanded."<sup>1</sup>

Mr. Selden would shade, if he could, the light of this evidence, by observing, "That Infidels and Heathens are here mentioned as persons excluded from the privilege of this Communion; and that, therefore, the passage cannot

<sup>1</sup> Ἡ τροφή αὕτη καλεῖται παρ' ἡμῶν εὐχαριστία ἧς οὐδενὶ ἄλλῳ μετασχεῖν ἔξόν ἐστιν ἢ τῷ πιστεύοντι ἁληθῆ εἶναι τὰ δεδιδάγμενα ὑφ' ἡμῶν καὶ λουσαμένῳ τὸ ὑπερ᾽ ἁφίσεως ἁμαρτιῶν, καὶ εἰς ἀναγέννησιν λου-

τρον, καὶ οὕτως βιοῦντι ὡς ὁ Χριστὸς παρέδωκεν. — Justin. Martyr. in Apol. i. versus finem, [p. 83. Ed. Bened. Paris, 1742.]



refer to discipline, which never was exercised upon such as were without."<sup>1</sup>

But might not, I would ask, those within be occasionally excluded, notwithstanding that those without were never admitted? Because Heathens and Infidels were not allowed to communicate, does it therefore follow that Christians who led ill lives were allowed to communicate? The passage, indeed, does rather prove, that wicked believers were ranked in the same class with Heathens and unbelievers; that as the one did not, so the other might not partake of the Holy Elements.

It is hence, upon the whole, very certain, that men who were known to live scandalously, though they believed, and were baptized, yet might not (were not permitted to) communicate; and what at last is this but to be excluded? One man might, indeed, be excluded by his own choice, or through his own neglect, as Heathens, or careless Christians were; yet surely this hinders not, but that others might be excluded by force, and by a judicial sentence of the Church upon them.

St. Irenæus lived a little after St. Justin, being promoted to the Episcopal see of Lyons, A.D. 178; and he speaks full to the usage of public penance, as in his days a current practice. "With these words and actions they," says he, (viz. the disciples of Marcus) "have led away divers women into their error, who having their consciences cauterized, as it were, with a burning instrument, have, some of them, performed public penance, whilst others not abiding the shame of it, and despairing of mercy, have either quite revolted from the faith, or else are wavering and undetermined, and so are neither directly in the Church, nor yet quite out of it; and this they gain from their commerce with these sons of knowledge."<sup>2</sup>

<sup>1</sup> Certe Justinus ibi expressim loquitur non solum de baptizatis, verum pariter de non baptizatis, ad quos Excommunicatio revera, apud Christianos, non magis attinuit quam apud Judæos ad Gentiles necdum circumcisos.—Selden. de Synedr. lib. i. cap. 9, [p. 919.]

<sup>2</sup> Talia autem dicentes et operantes . . . multas seduxerunt mulieres quæ cauterizatas conscientias habentes, quædam

quidem etiam in manifesto Exhomologesin faciunt, quædam autem reverentes hoc ipsum, in silentio sensim semetipsas retrahunt, desperantes a vita Dei; quædam quidem in totum abscesserunt; quædam autem inter utrumque dubitant, et quod est proverbii passæ sunt, neque intus neque foris existentes, hunc fructum habentes seminis filiorum agnitionis.—Iren. lib. i. [cap. 13. Grabe.]

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He had a little before in the very same book and chapter,<sup>1</sup> recited the case of a certain Deacon's wife, whom Marcus had corrupted, both in her principles and in her person. This "woman being brought with much ado to a sense of her crime, passed her whole life in penitential humiliations, and in that solemn Exhomologesis, which was a known attendant upon them." Whether she might not in her last moments be reconciled, the Father took no notice.

The account he hath given us of Cerdon, the Heretic, is much the same with what he had before given of the woman seduced by Marcus, viz. "That at some times he would submit to the penitential discipline, and at other times was not in humour for it; but instead of it, would repeat the crime for which it was enjoined him, till at length he was entirely cut off from Ecclesiastical communion."<sup>2</sup> Thus far, then, we are pretty clear in the practice, which is the subject of our present inquiry.

The Apostolical Canons are generally looked upon as abridgements of the several rules and orders which, from time to time, were occasionally prescribed for the government of the Church, from its very infancy down to that period wherein they were first collected into a body, which, in all likelihood, was done about the latter end of the second, or the beginning of the third century; so that wherever they speak clear to any practice, they must be allowed as competent witnesses and good vouchers.

Now, here almost every Canon is pointed with the penalty of segregation. The eighth will not allow a man to join so much as in family prayer with a person excommunicate without incurring the same sentence.<sup>3</sup> And the tenth determines, that "if a person actually segregated in one Church, or whose case was yet depending, should depart to another, and should there be received without commendatory letters,

<sup>1</sup> Cum esset uxor ejus (viz. Diaconi) speciosa, et sententia et corpore corrupta esset a mago isto et secuta eum esset multo tempore; post deinde cum magno labore fratres eam convertissent, omne tempus in Exhomologesi consummavit plangens et lamentans ob hanc quam passa est ab hoc mago corruptelam.—Iren. [lib. i. cap. 13. Grabe.]

<sup>2</sup> Cerdon autem . . . sæpe in Ecclesiam

veniens, et Exhomologesin faciens, sic consummavit, modo quidem latenter docens, modo vero Exhomologesin faciens, modo vero ab aliquibus traductus in his quæ docebat male, et abstentus est a religiosorum hominum conventu.—Ibid. lib. iii. cap. 4.

<sup>3</sup> Εἴ τις ἀκοινωνήτης, καὶν ἐν οἴκῳ συνεύχεται, καὶ αὐτὸς ἀφορίζέσθω.—Can. Apostol. No. viii.

the receiver and the received should share in the same punishment; and if the latter should prove already to have been excommunicate, that he should continue so much the longer under his sentence."<sup>1</sup>

Origen speaks home to this usage in his third book against Celsus.<sup>2</sup> "How severe," says he, "is the discipline of Christians against offenders, especially against such as offend by incontinence, who are expelled from all communion with us, by those whom Celsus compares to mountebanks and jugglers! If the venerable institution of Pythagoras did set up burial monuments for such as departed from the rules of that profession, in like manner we Christians lament and mourn for those who yield to lust, or to any other enormity, as lost and dead to God; and upon proof of their change for the better, we receive them again, like persons risen from the dead, though not till after a longer time of trial, than that which preceded their first admission into the Christian Communion; and even then we receive them upon the condition of their being quite excluded from all office and dignity in the Church of God, since they have happened to behave themselves amiss in it."

Tertullian hath a passage to much the same purpose, which effectually proves the practice we are now considering.<sup>3</sup> "There also (viz. in the public assemblies for Christian worship) are exhortations, rebukes, and the great

<sup>1</sup> Ἐἴ τις κληρικὸς ἢ λαϊκὸς ἀφορισμένος, "τοι ἄδικτος, ἀπειθὼν ἐν ἰτέρῃ πόλει διχθῆναι ἀνευ γραμμάτων συστατικῶν, ἀφορίζισθωσαν οἱ διζήμενοι καὶ ὁ διχθεὶς· εἰ δὲ ἐφορισμένος ᾖ, ἐπιτείνεσθαι αὐτῷ ὁ ἀφορισμὸς, ὡς ψευσαμένη καὶ ἀπατήσαντι ἐκκλησίαν Θεοῦ.—Can. Apostol. No. x.

<sup>2</sup> Οἷα δ' ἐστὶν αὐτοῖς ἀγωγή καὶ πειρὴ ἀμαρτανόντων, καὶ μάλιστα τῶν ἀπολαστανόντων, οὓς ἀπυλαίνουσι τοῦ κοινοῦ οἱ κατὰ τὸν Κίλσον παραπλήσιοι τοῖς ἐν ταῖς ἀγοραῖς τὰ ἐπιβήτοτατα ἐπιδικνύμενοι; καὶ τὸ μὲν τῶν Πυθαγορείων σιμνὲν διδασκαλίων κινεσφία τῶν ἀποστάντων τῆς σφῶν φιλοσοφίας κατισκιάζει, λογιζόμενοι νεκροὺς αὐτοὺς γεγόναι· οὗτοι δὲ ὡς ἀπολωλότας καὶ τεθηκότας τῷ Θεῷ τοὺς ὑπ' ἀσιλγίας ἢ τινας ἀτόπου νεικημένους ὡς

νεκροὺς πίνουσι· καὶ ὡς ἐκ νεκρῶν ἀναστάντας, ἐὰν ἐξόλογον ἐνδείξωνται μιταβολὴν χρόνῳ πλείονι τῶν κατ' ἀρχὰς εἰσαγομένων ὑστερόν ποτε προσίνται· εἰς οὐδεμίαν ἀρχὴν καὶ προστασίαν τῆς λειτουργίης ἐκκλησίας τοῦ Θεοῦ καταλίγοντες τοὺς φθάσαντας, μιτὰ τὸ προσεληλυθέναι τῷ λόγῳ, ἵπταικίναται.—Origen. contra Cels. lib. iii. [Ed. Bened. t. i. p. 481.]

<sup>3</sup> Ibidem etiam exhortationes, castigationes, et censura Divina. Nam et judicatur magno cum pondere, ut apud certos de Dei conspectu; summumque futuri iudicii præjudicium est, si quis ita deliquerit, ut a communicatione orationis et conventus, et omnis sancti commercii relegatur. — Tertull. Apolog. advers. Gent. cap. 39.

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holy censure : for sentence there is passed with the utmost gravity and consideration, as among a people who are always sensible that they are in the presence of God ; and it is esteemed a notable presumption, that the judgment of God will confirm the sentence thus passed by man, when any one so offends amongst us, as to be cut off from all communion, both in prayer, and in assembling ourselves together, and in all holy offices whatsoever."

The following writers of the Church speak so full and home to our present subject, that I will not so far abuse my reader's patience, nor suspect his knowledge, as to labour the proof of such an evident case. Besides, I shall have occasion to use the testimony both of the foregoing, and of the subsequent Fathers, when I come to explain the manner wherein this discipline was anciently exercised ; so that I shall need at present to produce no further testimonies out of the one or the other, since the thing itself is ever supposed, when the manner of it, and the circumstances relating to it, come to be represented. To sum up, then, the evidence of this whole chapter :

We have seen it to be fit in point of reason,

1. That the Church, as a society, should enjoy the powers which are necessary to her own support and preservation, as well as that some powers, or other, are necessary to this purpose ; though it would not hence, indeed, be determined what those powers in particular should be, or after what manner the Church should use them. Therefore,

2. We have had recourse to her charter, and thence have endeavoured to trace what we could of the powers which therein were granted to her. And because some doubt might arise upon the terms wherein that grant is couched and worded, if we had no helps to lead us into their just meaning and importance, therefore,

3. We have examined what was, in fact, the usage of the times when that grant was made (because the grant may well be supposed to have referred to it), and what again was the practice of the times next immediately succeeding it ; because the practice which commences immediately upon a precept, the privilege enjoyed, or the power exercised next after a grant, must be confessed the most likely to reach its



meaning. It is so in all other cases; and the reason holds as well in this as in any other. I know of nothing which may not be disputed, if such evidence as this shall not be accepted.

Taking it, then, henceforwards for granted, that the Church hath this power of censuring her scandalous members, of excluding them from her Communion, and of restoring them to it upon their humble submissions, we are next to inquire after what manner she exercised this power, that so we may the better guess at the extent of it, and recommend it the more effectually to the present generation.

## CHAPTER II.

OF THE USE WHICH THE CHURCH MADE OF THIS POWER, AND  
OF THE MANNER WHEREIN SHE EXERTED IT, FOR THE FIRST  
FOUR HUNDRED YEARS WHEREIN SHE ENJOYED IT.

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It hath already been observed, and indeed it is known to all who have in any measure acquainted themselves with the first writers of the Church, how concise and short their accounts of things are, how occasionally mentioned, and how little circumstantial. They had no time nor leisure to write either histories or systems; so that what we gather from them, must be gleaned from accidental hints, and improved by the latter evidence of the times and authors which succeeded.

What we learn of the discipline which is our present subject, from the earliest writers, that, in fact there was such a thing in use, must therefore be explained in its manner and circumstances, by the testimony of those who lived nearest to them, and have transmitted to us an account of such practices as obtained in the age which themselves lived in.

If St. Clement, for instance, acquaints us, that there was in his time such an usage as expulsion from the Church of Christ; and if Origen or Tertullian give evidence of the manner wherein that discipline was, in their time, exercised, it is fairly to be presumed, that no material change was made in the circumstantials of it, at any time intervening between those several authors. Apostolical usages could not well be altered in so short an interval without some noise or notice, or some reason given for the departure from them.

If this presumption be not allowed me, I see not how we shall come at the knowledge of any practice in the ancient Church.

The first writers will at most but barely mention it; they will not descend to circumstances, nor minutely acquaint us



with its several particularities; so that if those who followed them be not permitted to fill up the gaps of their predecessors' evidence, we must be in the dark, and resolve to continue so.

Indeed, that evidence is always best and purest which approaches nearest to the fountain; and we esteem ourselves very happy, whenever we are in reach of it: but as the streams are there very narrow, and often imperceptible, we must be content to take of them, when spread to a farther distance, and when the enlargement of their channel hath made access to them more practicable and easy.

There are several things in our present inquiry, which it will be impossible to trace out of the earliest writers; not because they were not then in use, but because those authors had no occasion of mentioning them in the short remains which are left to us.

The reader is therefore now, I hope, prepared and disposed to accept the testimonies of Origen, Tertullian, St. Cyprian, &c., instead of St. Clement, or Hermas, or any of the few writers in the first age, as to the manner and circumstance of that discipline, the use whereof those first writers attest though they do not describe it in all its parts and dimensions.

What I would inquire from them in this chapter, I shall divide into two parts:—

1. What were the constituent parts of the discipline in question.

2. What were the crimes for which it was inflicted, and in whose hands the ministration, or execution, of it was lodged.

If we can come at any satisfactory answer to these inquiries, I presume we shall be competently acquainted with the regimen of the ancient Church in the point we are now debating.

## PART I.

### *What were the constituent Parts of the Discipline in question.*

It will here be fit, at my entrance into this part of our present query, that I should, once for all, observe upon Excommunication, or the highest sentence of Excommunication, that it was

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never pronounced, except where the case was desperate, either by the obstinacy of the party in refusing admonition, or else by the severity of the Church regimen, which admitted her members but once to solemn penance.

It will, indeed, appear hereafter, that it was the use of some particular Churches, to deny Communion to their members, and finally to persist in that denial upon their commission of certain enormous crimes: but then such a practice does not appear to have been general, as it will be seen in the sequel.

Excommunication was usually intended to bring men to submission; upon which they were gradually received, as they passed through the several courses of penitential discipline assigned to them.

For when a crime was any way known to be committed which was thought to deserve a Censure, the Apostolical Constitutions will inform us, that<sup>1</sup> if the party came not of his own accord, "He was convened by the Bishop, first in secret, and if he thereupon submitted and reformed, all was well; otherwise he was to be admonished, and persuaded in the presence of two or three witnesses; and if those endeavours proved ineffectual, the whole Church was to be acquainted with his case, and to be interested in it; and then if he still continued obstinately resolved against sub-

<sup>1</sup> Μόνον παραλαβὼν τὸν κατηγορηθέντα, ἐλεγχὼν αὐτὸν ὅπως μεταγνῶ, μὴδενὸς σοι συμπαρόντος· εἰ δὲ οὐ πεισθῇ, γενόμενος δεύτερος, ἢ τρίτος, οὕτως αὐτῷ ὑπόδειξον τὸ πλημμέλημα, νοθεύσας αὐτὸν ἐν πράγματι καὶ παιδείᾳ.—'Εὰν οὖν πεισθῇ ἐπὶ στόματος τῶν τριῶν ὑμῶν, εὖ ἂν ἔχῃ· εἰ δὲ τις σκληρύνῃτο, εἰπὲ τῇ ἐκκλησίᾳ· ἔαν δὲ καὶ τῆς ἐκκλησίας παρακούσῃ, ἔστω σοι ὡς ὁ ἐθνικός καὶ ὁ τελώνης· καὶ μηκέτι αὐτὸν ὡς χριστιανὸν παραδέχου ἐν τῇ ἐκκλησίᾳ, ἀλλ' ὡς ἐθνικὸν παραιτοῦ· εἰ δὲ βούλοιο μετανοεῖν, προσλαμβάνου.—In Apostol. Constitut. lib. ii. cap. 37, 38, et ibid. in cap. 39.

Ὡς τελώνην οὖν ἢ ἐθνικὸν ἔχει τὸν ἐπὶ κακῷ ἔργῳ ἐλεγχθέντα, καὶ μὴ μεταγινώσκοντα· ἔαν δὲ ὕστερον μετανοῇ καὶ πιστοῦνται ἐκ τῆς πλάνης, ὡς καὶ τοὺς ἐθνικούς, ὅποτεν θύλουσι μετανοεῖν, εἰς ἐκκλησίαν προσδεχόμεθα, ὅπως τοῦ λόγου ἀκούουσιν, οὐ μὴν κοινωνοῦμεν αὐτοῖς, μέχρις

οὗ τὴν σφραγίδα λαβόντες τελειωθῶσιν· οὕτω καὶ τοῖς τοιοῦτοις, μέχρις οὐ μετανοίας καρπὸν ἐπιδείξωσιν, ἐπιτρέπομεν εἰσερχέσθαι, ὅπως τοῦ λόγου ἀκούοντες, μὴ τελείως ἄρῃν ἀπόλωνται· μὴ κοινωνήσωσαν δὲ ἐν τῇ προσευχῇ, ἀλλ' ἐξερχέσθωσαν μετὰ τὴν ἀνάγνωσιν τοῦ νόμου, καὶ τῶν προφητῶν, καὶ τοῦ εὐαγγελίου, ὅπως διὰ τοῦ ἐξείναι βελτιωθῶσι τὴν ἀναστροφὴν τοῦ βίου, σπουδάζοντες περὶ τὰς συνάξεις ἀπαντᾶν ὁσημέραι, καὶ τῇ διήσει σχολάζειν, ὅπως καὶ αὐτοὶ δυνηθῶσιν εἰσερχέσθαι, καὶ οἱ θεώμενοι αὐτοὺς κατανυγῶσι, καὶ ἀσφαλίστεροι γίνωνται, εὐλαβεῖσθαι τοῖς ὁμοίοις περιτρίψειν.—Ibid. iterum, in cap. 41.

Ἐὰν δὲ τίνα ἀμετανοήτως ἔχοντα βλάβης, καὶ ἀπισκληρωκότα [ἀπισκληκότα, Cot.], τότε μετὰ λύπης καὶ πένθους ἀνάτως ἔχοντα, τῆς ἐκκλησίας ἀπόκοπται.—See moreover cap. 16. ibid. cited in p. 51, note 1.

mission after these joint endeavours to mollify him, the highest sentence of Excommunication was finally to be pronounced against him; under which he was to continue, as much disregarded as a mere heathen, until he was softened into submission, and bent to the discipline," upon whose description we are now entering. And when he so submitted, there were various degrees of penance assigned him, in proportion to the crime wherewith either his own confession, or another's accusation, or the plain notoriety of fact, had charged him.

Whilst he was under the highest sentence of Excommunication, the Church had no further care of him than of a heathen; but when that had wrought its intended effect, and melted him into penitential submissions, then as he was first received in to the Church through the door of Baptism, so he was here restored to it through that of penance.

The constituent parts of which discipline were these three, 1, Confession; 2, Segregation; 3, Absolution.<sup>1</sup>

## SECTION I. — *Of Confession.*

This was either public or private. The public, as Tertulian<sup>2</sup> speaks of it, "was a discipline imposed and intended to bow down and humble men, and so to move compassion in the Church of God for them." He, as well as Ambrose and Austin after him, speak much of the austerities and shame which attended it; but then what of this kind was public, and in the face of the congregation, will more properly be considered when we come to the second constituent part of this discipline, wherein it had so large a share, and made such an eminent figure.

Now, besides this, there was a very early practice of voluntary confession, which was sometimes public, and sometimes private only; of both which we meet with testimonies approaching so near the fountain, that they almost mix with it.

In Origen's<sup>3</sup> second Homily upon the thirty-seventh

<sup>1</sup> 1. Ἐξομολόγησις, or ἰξαγόρευσις.  
2. Ἀφορισμός. 3. Λύσις.

<sup>2</sup> Exhomologesis prosternendi et humilificandi hominis disciplina est, conversa-

tionem injungens misericordiæ illicem.—Tertull. de Pœnitentia, cap. 9.

<sup>3</sup> Si ergo sit aliquis ita fidelis, ut si quid conscius sit sibi, procedat in me-

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Psalm, there are some noble passages to our present purpose: "If any one," says he, "be so well disposed, as to come forth and accuse himself, when he is conscious of any crime committed by him, and if then his friends and acquaintance, instead of sympathizing with his affliction, shall stand off from him on that account, he should not be concerned at it, nor ought he to regard their scoffs nor their censure, but he should rather look up to God, and regard his own soul, and the peace of it." Thus, again, a little after: "Let my kindred, if they please, forsake me and stand afar off, whilst I obtain of myself to be my own accuser, and to confess my faults, when no one else would accuse me for them; whilst I do not imitate those, who, when arraigned, and even convicted by clear evidence, would fain, notwithstanding, conceal their crimes."

But, most of all, and most clearly to our purpose, is the following passage: "As they who are troubled with indigestion, and have any thing within them which lies crude upon their stomachs, are not relieved but by proper evacuations; so sinners, who conceal their practices, and retain them within their own breasts, feel in themselves an inward disquietude, and are almost choked with the malignity, which they thus suppress. But by confession and self-accusation they discharge themselves of their burden, and digest, as it were, the crudity which was so oppressive. Only here it will be fit to advise them, that they be careful in choosing a fit person, to whom they may open their minds with profit and

dium, et ipse sui accusator existat; hi autem qui futurum Dei judicium non metuunt, hæc audientes, cum infirmitatibus quidem non infirmentur, cum scandalizantibus non urantur, cum lapsis non jaceant, sed dicant, Longe te fac a me, neque accedas ad me, quoniam mundus sum; et detestari incipiant eum, quem ante admirabantur, et ab amicitis recedant ejus, qui delictum suum noluit occultare. . . . Hæc non oportet formidare eum, qui post delictum salvari cupit. . . . Non ergo cogitet de talibus, sed cogitet de anima sua, exorans Deum, ut ab Ipso exaudiatur, et sublevetur post casum

suum.—Origen. in Psal. xxxvii. hom. 2. Latin. Basil. Edit. tom. i. [Ed. Bened. tom. ii. p. 686.]

Licet amici mei et proximi mei contrarii sint, et propinqui mei longe se faciant a me, dum ego ipse mei accusator efficior, dum crimina mea nullo me arguente confiteor, dum nolo imitari eos qui etiam cum in judicii arguantur, et testibus convincantur, et tortoribus etiam arguantur, tegunt tamen mala sua.—Ibid.

Sicut ii qui habent intus inclusam escam indigestam aut humoris vel phlegmatis stomacho graviter et moleste im-



advantage; that they try to find out such a spiritual physician, as knows how to mourn with them that mourn, to be weak with them who are weak; in fine, to be tender and compassionate, and such an one, upon the whole, as having approved his skill to them, may give them reason to depend upon his counsel, and to follow it; that so, if he shall judge their case to be what may need the cure of a public animadversion, and deserve to be laid open in the face of the Church, for the edification either of themselves or others, this may be done deliberately and discreetly, and agreeably to the directions of such an approved physician."

Tertullian sets himself to debate the point with such as through a false modesty endeavoured to conceal their crimes; and satirizes, after his manner, upon those who could be so foolish as to propound "concealing their sins from God, because it was in their power to conceal them from man."<sup>1</sup> He recommends penitence even for sins which as yet lurked only "in the will, and were never ripened into action," throughout the whole third and fourth chapters of his book upon this subject. Now it must be observed, that wherever the ancients speak of solemn repentance, they generally mean both the outward ordinance and the inward duty; for they had indeed no notion of their being asunder: so that whether they expressed it by *Pœnitentia*, *Exhomologesis*,

manentis abundantiam si vomuerint, relevantur; ita etiam hi qui peccaverunt, siquidem occultant et retinent intra se peccatum, intrinsecus urgentur, et prope modum suffocantur, a phlegmate vel humore peccati. Si autem ipse sui accusator fiat dum accusat semet ipsum et confitetur, simul evomit et delictum, atque omnem morbi digerit causam. Tantummodo circumspice diligentius cui debeas confiteri peccatum tuum. Proba prius medicum cui debeas causam languoris exponere; qui sciat infirmari cum infirmante, flere cum flente, qui condolendi et compatiendi noverit disciplinam; ut ita demum si quid ille dixerit, qui se prius et eruditum medicum ostenderit et misericordem, si quid consilii dederit, facias et sequaris; si intellexerit et præ-

viderit talem esse languorem tuum qui in conventu totius Ecclesiæ exponi debeat et curari, ex quo fortassis et cæteri ædificari poterunt, et tu ipse facile sanari, multa hoc deliberatione, et satis perito medici illius consilio procurandum est.—Ibid. in Origen. [Ed. Bened. tom. ii. p. 688.]

<sup>1</sup> Grande plane emolumentum verecundiæ occultatio delicti pollicetur! Videlicet si quid humanæ notitiæ subduxerimus, proinde et Deum celabimus.—Tertull. de Pœnitentia, cap. 10.

Omnibus ergo delictis, seu carne, seu spiritu, seu facto, seu *voluntate* commissis, qui pœnam per judicium destinavit, idem et veniam per pœnitentiam sponpondit.—Ibid. cap. 4.



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*Μετάνοια*, or by any other term, they mean by it both what passes within the soul, and what appears in the external form of penitential mortification; nor do they distinguish in words the one from the other, where yet the sense must sometimes be understood of the one, and sometimes of the other. For instance, where Tertullian speaks of the austerities and rigours attendant upon this discipline, he must be construed to mean them of the outward ordinance; and where he says in general, that God hath promised His pardon to penitence (the word he uses is still the same in both cases), there he must be interpreted of the "duty at large," with all its appendages, respecting both the outward and inward man. But to proceed with the case of voluntary confession. St. Cyprian commends the practice, even where there was no direct offence in the fact, but only a purpose of it (as Tertullian had done before him concerning such faults as had only tainted the will); he imputes it to a liveliness and vigour of faith, and to an extraordinary degree of the fear of God.<sup>1</sup>

Whether this was, in its original, a practice entirely voluntary, and owing to the extraordinary heights of primitive zeal, which it is not absolutely necessary for us to transcribe into our modern discipline, shall be left to the reader's judgment, when he shall have received a just state of the evidence on both sides of the question.

On one hand, Chrysostom and Austin speak of it in terms far enough from implying the least necessity. The latter thus expresses his sentiments upon the subject: "What have I to do with men, that they should hear my confessions, as if they were to ease me of my distress, and to rid me of my griefs?"<sup>2</sup>

As to Chrysostom, his words are these: "I do not desire to expose you upon the public stage before your fellow-

<sup>1</sup> Denique quanto et fide majores, et timore meliores sunt, qui quamvis nullo sacrificii aut libelli *facinore* constricti, quoniam tamen de hoc vel *cogitaverunt*, hoc ipsum apud Sacerdotes Dei dolenter et simpliciter confitentes, Exhomologesin conscientię faciunt, animi sui pondus exponunt, salutarem medelam parvis licet et modicis vulneribus exquirunt,

scientes scriptum esse, Deus non deridetur. — Cyprian. de Lapsis, [p. 134, Fell.]

<sup>2</sup> Quid mihi ergo est cum hominibus, ut audiant confessiones meas, quasi ipsi sanaturi sint omnes languores meos? — Augustin. in Confession. lib. x. cap. 3. [Ed. Bened.]

servants, nor do I compel you to discover your sins in the presence of men, but to unfold your conscience to God, to shew him your ail and malady, and to seek relief from him.”<sup>1</sup>

That these passages cannot be understood of the public Exhomologesis attending upon solemn penance, will appear in the sequel out of these very authors; who mention and recommend that practice; which will shew that it had then a continuance, and that with their approbation.

But then it must be agreed, that these passages do prove the confession of secret sins to have been, in the opinion of these Fathers, a practice not always necessary. Chrysostom was the immediate successor of Nectarius in the see of Constantinople, who had just before abolished the penitentiary’s office. Now it was the business of that officer to hear the confession of secret sins, and to prepare the party who had been guilty of them for a decent performance of public penance, if that were judged necessary, and in order to it, he directed what should be acknowledged in the face of the congregation; and what was unfit to be there revealed, he advised should be kept in silence.

See an account of this in the Appendix, Nos. 2, 3.

If such an office, or such a practice, had then been judged in all cases necessary, it may seem pretty hard to suppose, that Nectarius should nowhere be censured for daring to abolish them: and therefore it appears to have been at least the opinion of that person in particular, and indeed of that age, which made upon it no remonstrances, that this was an usage in its own nature discretionary, which might either be retained or discontinued, as it should or should not be judged subservient to the use of edifying. Accordingly when a notorious inconvenience ensued upon it, we find it abolished, without any reserve, complaint, or scruple.

That which may seem to argue it an uncommanded effect of primitive zeal, is the known ardour of those earlier ages, which often transported the professors of our faith into an acknowledgment of it, when they had indeed no proper call

<sup>1</sup> Οὐδὲ γὰρ εἰς Διακρόν σε ἄγω τῶν συνδούλων τῶν σῶν, οὐδὲ ἱκκαλύψαι τοῖς ἀνθρώποις ἀναγκάζω τὰ ἁμαρτήματα· τὸ συνιδὸς ἀνάπτυσζον ἱμπεροσθιν τοῦ Θεοῦ,

καὶ αὐτῷ δεῖζον τὰ τραύματα, καὶ παρ’ αὐτοῦ τὰ φάρμακα αἴτησον.—Chrysost. de Incomprehensib. Dei Natura, Hom. 5. [§ 7, vol. i. p. 490. Ed. Bened.]

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to make it. The public humiliation of scandalous offenders was doubtless observed to carry with it very great advantages; and this might induce considerable numbers to rank themselves in the class of public penitents, even for their secret sins. Now, as in the case of public penance for public sins, there was a solemn humble confession of the faults it was imposed for, in the face of the congregation, that what had been publicly committed in the face of the world, might be publicly retracted, and thereby the scandal be removed; so in the case of secret sins, it is not improbable, that occasion might hence be taken of thus acknowledging them in public. When this was done indiscriminately, it is easy to conceive what inconveniences might arise from it. A penitentiary was therefore appointed, to whom these persons should resort, and consult with him beforehand, what on the one hand might be fit for publication, and what on the other would be better reserved in silence. And this for a good while was found a cure of all inconveniences; and so the practice went forwards, until Nectarius thought fit to abrogate it.

See both in  
the Appen-  
dix, Nos. 2,  
3.

Socrates tells us, that the addition of this officer to the Ecclesiastical roll was not made till after the Decian persecution; whereas Sozomen says, "that the Bishops from the very beginning agreed to appoint him." But both seem to have taken this matter upon trust, and to have been destitute of clear authorities.

The light of history will not therefore so fully determine this matter for us, as to leave no room for doubt in it. It hath carried up the original of the practice very near, as we have seen, to the fountain; but thereabouts it runs underground; and therefore many do here think themselves at liberty to supply the loss of it by probable conjecture.

On the other hand, it is judged, that the opinions of Chrysostom and Austin, who were very warm, and therefore not very accurate nor consistent writers, are not to weigh against cooler, and elder, and more numerous authors, who speak of this practice as in current use, and never tell us when it had a beginning. Origen, who lived in the second century as well as in the third, speaks of it as the received usage in his time; he does not labour the proof of it, as of a thing dis-

puted, but mentions it as a general and well-known practice, and only advises the choice of a fit person to be intrusted with it.<sup>1</sup> In his time it should therefore seem, that the penitentiary was not yet appointed, because upon the institution of that officer, the liberty of choosing every man his own confessor, was determined, and restrained to the person whom authority had fixed upon.

It is true, indeed, that all who mention the confession of secret sins do it still with some eye of reference to public discipline.<sup>2</sup> This Origen, Tertullian, and St. Cyprian, do all, as far as I can judge, agree in; but then it is likewise certain, that public discipline was not assigned to every sin which was thus in private confessed; but only to such as, upon a view of the case, were conceived to need it. The party, therefore, who thus confessed his private offences, must have opened them at large, or else the penitentiary could not judge of them whether they needed such a cure or no. If they did not, then the party had the comfort of that Presbyter's opinion, that he might be safe without it, and Ghostly advice moreover, how to behave in the conduct of his future life; and upon this, in process of time, was grafted the practice of private penance, when the zeal of men grew too cold for a submission to the public.

Since then it is evident, that private confession was in certain cases so early used and commended; since the original of the practice cannot be fixed upon; since it seems to have some foundation in both Testaments, and in the practice of the Jews upon the one, and of the first Christians upon the other; many do think, that they hence have reason to conclude it an institution designed for the general service of the Church in all ages.

They find in antiquity an officer very early appointed for it; and before that appointment, they observe moreover, that the thing itself was in current use, only the parties themselves did then choose the person they resorted to for this purpose. When he was named by public authority, they

<sup>1</sup> Circumspice diligentius . . . et proba prius medicum cui debeas causam languoris exponere.—Origen. See before, pp. 34, 35.

<sup>2</sup> Si intellexerit talem esse languorem tuum, qui in conventu totius Ecclesiæ exponi debeat et curari.—Ibid.

Lev. 5. 5;  
Num. 5. 7;  
Matt. 3. 6;  
James 5. 16.



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read of the qualifications expected from him; which, as Sozomen hath described them, were, "That he should be a man of distinguished character for virtue, prudence, and taciturnity."<sup>1</sup> They find not only the fact derived to them from ancient testimony, but the approbation of it too from the same hands, it having been a constant rule in proportioning the discipline of penance,<sup>2</sup> to extend or contract the time of it, as the party should either be convict by witnesses, or should come in of his own accord to the discovery of his crime.

These, however, do not, I presume, design extending the necessity of private confession to the Roman lengths, of every mortal sin, in all its minutest circumstances; they do not style it, as the Romanists do, Sacramental; nor, as such, assert it to be a general condition of God's favour.

But wherever the conscience is oppressed with heavy guilt, and knows not how otherwise to disburden; wherever there is a want of comfort or counsel, of solemn intercession for pardon, or of restoration to the peace of the Church (which may be *ipso facto* forfeited, even where there hath been no such thing as a judicial cognizance), there they apprehend the Ministry of the Priest to be of great importance, and, as such, recommend an application to it in the way of private confession.

They are, I presume, very ready to acknowledge, that in the primitive records there appears no instance of this practice, but what had some aspect upon, some reference to, Canonical discipline; and that no instance appearing is a strong presumption that there was none; for that it was a matter of consequence enough to have been mentioned, and was likely to have been so, especially in St. Cyprian, or in the Constitutions, if the thing had then been known, as entirely distinct from all relation to the outward and public regimen of the Church.

But then, though there was indeed heretofore this relation between private confession and public penance, yet since the latter hath been to such a degree discontinued; and since it

<sup>1</sup> Πρεσβύτερον δὲ τῶν ἄριστα πολιτευομένων, ἐχέμενόν τε καὶ ἔμφρονα ἐπὶ τοῦτο τετάχασιν.—Sozomen, lib. vii. [c. 16, Grabe.]

<sup>2</sup> See Canonical Epistle of Gregory Nyssen in the Appendix, No. 1.



is apparent that private confession was then only attended with public penance, when the nature of the case was judged to require it, and not otherwise, they are willing to keep what they can of the ancient practice, if they cannot entirely retrieve it; and therefore to retain that part of the private confession, which in the Primitive Church was not attended with public discipline, rather than to lose the whole; as hoping that the one may prove in time introductory to the other; and expecting, meanwhile, very great advantages from a Pastoral collation between Priest and people.

This they find recommended in very ancient records, and descending to them with the advantage of truly primitive examples; and therefore they are loth entirely to lose sight of it; especially since they observe both our own<sup>1</sup> and most of the reformed Churches, to have been well-wishers to it, though they have left it, indeed, upon every man's conscience to resort, as he shall see occasion, to his spiritual guide, either for comfort or counsel. By which sober temperament it should seem, indeed, their design neither entirely to abrogate, nor in all cases to obtrude it.

I have now, as faithfully and as nearly as I could, represented the sense of those who contend on both sides of the question, together with the arguments which conclude both for the one and for the other.

It is not here my design to interpose with my own opinion, otherwise than to recommend to each a mutual

<sup>1</sup> See Exhortation in our office before Communion, "If there be any man who cannot quiet his own conscience, but requireth further comfort or counsel, . . . let him open his grief," &c.

See also Harmon. Confess. with what is cited in chap. iii. § 4.

Hortantur nostri Ecclesiastæ ad confitendum peccata, et fructum ejus, quod quis apud virum Christianum ac prudentem, secreto sibi, consolationem, consilium, doctrinam, et exhortationem quærat, ostendunt; præceptis urgent neminem.—Eccles. 4 Civitat. in cap. 20. de Confessione, [p. 162.]

De confessione peccatorum, docent

quod Absolutio privata in Ecclesiis retinenda sit.—In August. Confess. Art. fid. Art. 12. ibid. iterum in Confess. cap. de Confessione, [p. 148.]

Diligenter retinemus in Ecclesiis confessionem.—[Ibid. p. 150.]

De confessione privata faciendâ pastorum, affirmamus ritum privatæ Absolutionis in Ecclesia retinendum esse.—Saxon. Confess. in cap. de Pœnitent. [p. 154.]

De pœnitentia ibidem docent ut pœnitentes sacerdotem accedant, peccataque sua Deo ipsi coram illo confiteantur.—Bohem. Confess. Artic. 5. de Pœnitent.

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forbearance, where it is so hard to fix in any peremptory conclusion. Since it is, on one hand, most certain, that the practice is very ancient, and makes near approaches to the fountain; as it looks very probable, on the other, that the practice which anciently obtained, had references and aspects towards a usage which is now in a manner extinguished, viz. public penance.

I have but one further observation to make before I dismiss this article of private confession, which shall be upon the famous case of Nectarius, and upon the change he made in the discipline of penance by abrogating the office of penitentiary.

Sixtus Senensis is of opinion that Nectarius, by this act, did discontinue the practice of public confession, wherein the chief humiliation of penitents consisted. But this, I suppose, he brought in as a salvo for Chrysostom, whom he was loth to have his enemy, and who speaks in so many places of the private in terms of diminution. He would, therefore, fain have Chrysostom understood in those passages to mean the public confession, which he (Sixtus)<sup>1</sup> supposes to have been abrogated by the Constitution of Nectarius.

It would, indeed, have been somewhat inconvenient to have acknowledged that Chrysostom was an enemy to what is called the Sacramental Confession; and, therefore, he was at any rate to be brought off from speaking of it disadvantageously.

However, we cannot forget, that the penitentiary's office was appointed for the direction and comfort of such as should resort to him, in order to unburden their consciences of their secret sins, for assigning to such their measures of

<sup>1</sup> Ego vero arbitror Chrysostomum hæc dixisse non de secreta et auriculari confessione, quæ Sacramentalis penitentiae pars est; sed de confessione illa theatri et publica, quæ pars est publicæ penitentiae; quam olim penitentes pro enormibus flagitiis, ceu in theatro, coram Episcopo, Presbyteris, et populi multitudine facere solebant . . . Etiam temporibus suis confessio publica fuerat metu fu-

rentis populi abrogata a Nectario Constantinop. Episcopo, prædecessore suo, ob matronam a Diacono sub confessionis prætextu in templo compressam.—Sixt. Senens. in Biblioth. Sanct. lib. v. annotat. 175.

See, also, Sirmond. *Histor. Pœnitent. Public.* cap. 8. in *Opuscul.* tom. iii. whose opinion in this point is the same with that of Sixtus.

public penance, or else for assuring them that they did not need it; in short, for counselling the publication of the sins so confessed to him, in the face of the Church (as was usual in the case of notorious crimes), or else for directing the concealment of them within the bosoms of the parties who had been guilty of them.

Indeed, the occasion of abolishing the office proves to us what use was made of it. For when, by the imprudent direction of one of those penitentiaries, a sin was publicly confessed which had been better concealed, the inconvenience which ensued upon the discovery was the cause why Nectarius, who then was Bishop of Constantinople, abolished the whole office. The consequence of which must needs have been, that such as had none at that time but secret sins, none which gave public scandal to account for, were left entirely to themselves, and to the guidance of their own judgments, whether they should resort to, or abstain from, the Holy Communion; they were thenceforwards to be at their own peril, and if they approached unworthily, they were to answer for it to God and to their own consciences.

Yet they were still, I presume, at liberty to use the advice of a Ghostly counsellor, if they found themselves in want of it; only there was thenceforwards no peculiar officer, whose distinct business it should be to receive such applications, which brings the case pretty near to that of our own establishment, in the particular now before us.

However, from that time, confession of secret sins to God only became the avowed practice of the Greek Church. For this discontinuance of the penitentiary's office, though begun at Constantinople, did yet soon spread itself over all the churches of the East. It was, therefore, no wonder that Chrysostom, who sat next after Nectarius in that see, should speak so coldly and indifferently of a practice which had then very lately given the occasion of such great disturbance.

But he himself will furnish us with abundant evidence that the public Exhomologesis, or the solemn humiliation of penitents in the face of the Church, was the same in his days that it was before them. For he complains in a letter to Pope Innocent, "That Theophilus had irregu-

larly absolved those who had been laid by him under public censure.”<sup>1</sup>

He threatens such as should hire mourners for funerals,<sup>2</sup> “that he would throw them into the same rank of penance which was assigned to idolaters, as disparaging the hope of a resurrection.” And again, bespeaks his people “not to despise the Censures of the Church, inasmuch as God would be sure to confirm them, who had given such power to men.”

Finally, he commends the received forms of public humiliation, though he prefers, indeed, the compunction of the heart before them in comparison, and plainly shews, that they were the same as formerly, viz. on the penitent’s part, prostration, and departure from the Church when such a part of the service was over; as on the part of the chief Minister and people, intercessions for him, and prostrations with him.<sup>3</sup>

The public discipline stood, therefore, the same after the days of Nectarius which it did before them; only the confession of secret sins, which gave no scandal, was left thenceforwards to the discretion and conscience of those who had committed them.

When that practice was in its height with the Eastern Churches, and bore the relation which hath been observed to public discipline, they who had this public penance assigned them for sins committed in private, did not always make a public declaration of the fact for which they appeared in the rank of penitents. Somewhat the congregation knew had been committed which deserved correction; but

<sup>1</sup> Τους παρ’ ἐμοῦ γενομένους ἀκοινωνήτους ἔλυε.—Chrysost. in Epist. ad Innocent. [vol. iii. p. 517. Ed. Bened.]

<sup>2</sup> Πολὸν αὐτὸν χρόνον τῆς ἐκκλησίας ἀπιέρξω, ὡς τὸν Εἰδακολάττην. . . . Μηδὲς καταφρονεῖται τῶν δισμών ἐκκλησιαστικῶν· οὐ γὰρ ἄνθρωπός ἐστιν ὁ δεσμῶν, ἀλλ’ ὁ Χριστὸς, ὁ τὴν ἰξουσίαν ταύτην ἡμῖν διδωκώς καὶ κυρίου ποιῶν ἀνθρώπους τῆς τοσαύτης τιμῆς.—Ibid. in Epist. ad Ebræ. Homil. 4. [vol. xii. pp. 48, 49. Ed. Bened.]

<sup>3</sup> Καλὸν μὲν καὶ τοῦτο ὁ πράττετε νῦν, νηστία, καὶ χαμενία, καὶ σποδός [vol. x.

p. 462.) ὑπὲρ τῶν ἐν μετανοίᾳ κοιναὶ καὶ παρὰ τοῦ ἱερέως, καὶ παρ’ αὐτῶν [viz. Fidelium] γίνονται εὐχαί· [x. p. 568.] Πάλιν ἐπειδὴν εἰρξάμεν τῶν ἱερῶν περιβόλων τοὺς οὐ δυναμένους τῆς ἱερᾶς μετασχεῖν τραπίζης, ἵπτεραν δεῖ γενέσθαι εὐχὴν, καὶ πάντες ὁμοίως ἐπ’ ἰδάφους κείμεθα, καὶ πάντες ὁμοίως ἀνιστάμεθα.—Ibid. in Epist. 2 ad Corinth. Hom. 4 et 18. [vol. x. p. 568. Ed. Bened.]

<sup>4</sup> Ἀκούεις ἰσθῶτος κήρυκος καὶ λίγοντος, ὅσοι ἐν μετανοίᾳ ἀπέλθετε.—Ibid. in Epist. ad Ephes. Hom. iii. [vol. xi. p. 23. Ed. Bened.]



what in particular, they were no otherwise acquainted with, than as the penitentiary should advise or forbid the discovery. And his indiscretion in giving here an improper direction, was the cause why his office was abolished by Nectarius.

“They whom you see,” says Austin, “in a state of penance, have committed some heinous crime or other, such as adultery, or the like enormity, for which they are put under it. If it were not of an enormous nature, the daily sacrifice of prayer would suffice to atone for it.”<sup>1</sup>

Hence, therefore, it appears that people were then in a state of public discipline, for crimes which the public was not in particular informed of. And this usage continued much longer in the West than it did in the East.

Thus much shall suffice to have been observed upon confession, as previous to, and distinct from, segregation, which was the second constituent part of the discipline we are now describing.

## SECTION II.—*Of Segregation.*

The two famous periods respecting this discipline were, that which preceded the heresy of Montanus and Novatus, especially the latter, and that which followed it. Before those men appeared to disturb the Church with their importunate clamours, the discipline of penance was either itself less regular, or at least our accounts of it are less circumstantial, than they have been since. It is natural and easy to conceive, that in the infancy of Church-government, whilst Christians were under persecution, and had consequently less and fewer opportunities of acting with concert in their respective Church-offices, that things, I say, might then be carried more discretionally than they were afterwards; that they might then go less upon rule and precedent, and might judge, *pro re nata*, upon such emergencies as were brought before them.

<sup>1</sup> Illi enim quos videtis agere poenitentiam, scelera commiserunt, aut adulteria, aut aliqua facta immania; inde agunt poenitentiam. Nam si levia pec-

cata ipsorum essent, ad hæc quotidiana oratio delendo sufficeret.—Augustin. in Symbol. ad Catechumen. lib. i. [cap. 15.]



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And, indeed, the whole of this discipline was in divers respects milder before that period than it was after it, when objections came to be started upon the neglect of Church-governors, and upon their promiscuous admission of all to Communion, after public penance, as well those who had been notorious sinners, as those who had always been without spot or blemish.

Neither Montanus nor Novatus did, in gross, and in general, deny the mercies of God, or the peace of the Church, to every offender. The mercies of God in His final judgment, they did no way meddle with in any case whatsoever; but the peace of the Church was what they would have had refused to the three great sins, which will fall under our cognizance in the first section of the second part of this chapter; and the admission of such to Communion, as had been guilty of them was the ground of their quarrel with, and separation from, the Church.

We read in Tertullian, when gone over to the Montanists, of a distinction between sins which were, some of them, remissible, and others irremissible.<sup>1</sup> According to which distinction, some would be admitted to pardon upon a light correction, whilst others would stand obnoxious to a greater damnation.

But even those which he judged irremissible by the Church, and therefore would have had condemned to perpetual penance, without hope of absolution, might however receive, in his opinion, some benefit from that discipline, though here no pardon. The man who had committed such sins, as exposed him to this heavy punishment, might find his account hereafter, though here he found none in his submission to it. "For though he did not reap from man," as Tertullian hath observed, "yet he sowed to God, and there would be sure not to lose his labour."<sup>2</sup> The same author

<sup>1</sup> Delicta . . . alia erunt remissibilia, alia irremissibilia. Secundum quod nemini dubium est alia castigationem mereri, alia damnationem. Omne delictum aut venia expungit, aut pœna; venia ex castigatione, pœna ex damnatione.—Tertul. de Pudicitia, c. 2.

<sup>2</sup> Et si pacem hic non metit, apud Dominum seminat. Nec amittit, sed præparat fructum; non vacabit ab emolumento, si non vacaverit ab officio. Ita nec pœnitentia hujusmodi vana, nec disciplina ejusmodi dura est.—Ibid. in c. 3.

would have an "adulteress do penance" (that was what he as much as any would have inculcated), "though as to pardon, he was for reserving it to God."<sup>1</sup>

Ambrose hath laid down the same distinction, and given the same account of the Novatians' practice, which Tertullian, before him, had given of the Montanists. "They are content," says he of the Novatians, "to pardon the lighter faults, but except the more heinous ones from the benefit of absolution."<sup>2</sup>

Concurrent with his, is Pacian's account of the Novatian error, "as denying to the Church any power of forgiving a mortal sin; and even affirming, that she herself would be lost by the reception of such as had committed it."<sup>3</sup>

So that the question between the Orthodox and those Heretics in this point, was not whether God would or would not pardon such and such sins, but whether the Church might admit to her Communion the persons who had been guilty of them; whether absolution should be ever granted to them after the most laborious penance. They agreed with the Church, that penance should be undergone by those persons; but they denied them the fruit of it, and never granted restoration.

They did neither of them enough consider (what Ambrose well replied to them), "That the power of loosing was granted as unconditionally as that of binding; and that they who had not the one must be without the other."<sup>4</sup>

Tertullian might have found an answer from himself, who, in his Book of Penitence, tells his reader, "That God when He shut the door of Baptismal pardon (which could never be repeated), had yet opened another, by the discipline of

<sup>1</sup> Sane agat pœnitentiam (sc. mœcha) non tamen et restitutionem consecutura. . . . Hæc enim erit pœnitentia, quam et nos debere quidem agnoscimus, multo magis, sed de venia Deo reservamus.—Tertul. de Pudicitia, c. 19.

<sup>2</sup> Exceptis gravioribus criminibus relaxare veniam levioribus.—Ambros. de Pœnitentia, lib. i. [cap. 3, p. 393, ed. Bened.]

<sup>3</sup> Mortale peccatum Ecclesia donare non possit; immo quod ipsa pereat re-

ciendo peccantes.—Pacian. in Epist. 3, ad Sympronian. [§ 1.]

<sup>4</sup> Dominus par jus et solvendi esse voluit, et ligandi, qui utrumque pari conditione permisit: ergo qui solvendi jus non habet, nec ligandi habet. Sicut enim secundum Dominicam sententiam qui ligandi jus habet, et solvendi habet; ita istorum adsertio seipsam strangulat, ut quia solvendi sibi jus negant, negare debeant et ligandi.—Ambros. [de Pœn. lib. i. c. 2, p. 392.]

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penance; which He would never have threatened any for not submitting to, if He had not designed their pardon upon their submission.”<sup>1</sup>

But, however the reason or authority of the case might stand, the event was, that the pretended sanctity of these two sects, and their extreme severity towards delinquents, wrought up the discipline of the Church to a higher pitch, and extended her Censures to a longer continuance, after that question came to be debated.

Before that controversy was started, months or weeks sufficed where afterwards years would not satisfy. The Stations of penance do not appear to have been so many, nor the time of continuance in each so long. The whole was more in the power of the Bishops, who acted herein discretionally, until rules were gradually formed upon precedents, and Councils confirmed those rules afterwards by express authority.

It is generally supposed, that St. Paul’s second Epistle to the Corinthians was written in the same year with his first. Now his second pardons a very heinous sinner, and relaxes the discipline under which the first had put him; so that the incestuous Corinthian did not continue quite a year under Censure; whereas to satisfy (as it should seem) the Novatian clamours, such a crime would afterwards have stood the delinquent in many years’ penance. The Church was willing to convince her enemies, that she did not intend by her mildness to encourage sin; that she did not willingly nor easily admit to her Communion such as walked disorderly; and, therefore, if the extraordinary contrition of the penitent did not mollify the execution of his sentence, he was to continue in some cases for three, in some for nine, and in others again for twenty-seven years in a state of segregation.<sup>2</sup>

Upon the whole, it fared with this case of discipline as it did with some points of doctrine. The disputes which were

<sup>1</sup> Deus clausa licet ignoscentiæ janua, et intinctionis sera obstructa, aliquid adhuc permisit patere. Collocavit in vestibulo pœnitentiam secundam, quæ pulsantibus patefaciat. Non comminaretur autem non pœnitenti, si non ignosceret

pœnitenti.—Tertul. de Pœnitentia, c. 7, sect. 8.

<sup>2</sup> See Gregory Nyssen’s Canonical Epistle in the Appendix, No. 1, together with what is written upon the Original of Redemptions, in chap. iii. § 2.

raised about it, caused men to speak afterwards more accurately of it, to draw it out into scheme and circumstance, and to give a fuller and more punctual account of it, than we might otherwise have met with.

From hence, then, we learn, that when sins had been committed, which were thought to deserve an Ecclesiastical Censure, whether notoriety of fact, or the party's own confession, or another's accusation, had revealed them, the consequence was a separation of the delinquent from the rest of the assembly in public worship. He had a peculiar station assigned him, and was to leave the congregation when the Hymns, and Lessons, and Lectures, and the prayers for the Catechumens, were despatched.<sup>1</sup> But before he departed, a solemn prayer was put up to God for him, and for all in his circumstance and station; and there was, moreover, an imposition of the chief Minister's hands upon him.<sup>2</sup>

This indeed, and this alone, seems to have been originally the proper Station of penitents, which was called Prostration. They were considered as such when they came within this class, and the Church unquestionably then took notice of them, as of a people under its care.

Heathens themselves might stand without the church-door, or just within it, if they pleased, as hearers, whenever curiosity, or any other reason, brought them to hear the Hymns sung, or the Scriptures read, or the sermons preached by the Bishop, or any of his Presbyters. For so the fourth Council of Carthage directs the Bishop, that "he should hinder none from entering into the church, who had a mind to it, nor from continuing in it until the service for the Catechumens began."<sup>3</sup>

Now, Excommunicates were, I presume, in this respect, upon the same foot with heathens, and both alike might enter the church thus far, whilst both were alike considered. But when the party excommunicated was softened into submission, he was longer then in recovering the privileges he

<sup>1</sup> See an account of the public worship in the Primitive Church, in Appen. No. I. Greg. Nyssen's Epist.

<sup>2</sup> See the form of this in Appen. No. 4, and see, moreover, what is written and cited in pp. 66, 67.

<sup>3</sup> Ut Episcopus nullum prohibeat ingredi Ecclesiam, et audire verbum Dei, sive Gentilem, sive Hæreticum, sive Judæum usque ad missam Catechumenorum. — In Concil. Carthag. iv. Habit. A.D. 398, Can. 84. [Hardouin. tom. i. p. 984.]



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had forfeited, than he was at first in gaining them; nor could he be re-admitted to Communion upon terms so easy as those upon which he was first admitted to it. And, therefore, the penitent passed through more stages, and was longer detained from Communion, than the Catechumen. As he had contracted more guilt, by abusing his knowledge of the Gospel, he was obliged to submit to a longer separation, and to pass through more degrees of it, than even an heathen himself; and, therefore, whilst the one was allowed to enter the church as an hearer, the other was, for some time, detained at the church-door, and was not admitted to proceed beyond it.

The Apostolic Constitutions (which seem to have been a mixed interpolated work, and not to have been known in any form until the fourth century) will, however, give us a good deal of light into the old formularies of assigning penance: for it is to be observed, that, though they mention some more modern practices, which may be owing, perhaps, to later interpolations, yet they do likewise delineate to us others more ancient; which the author of that work, when he set himself to compile it, did probably find to have been for some time before him in current use.

What I am going to translate from them is undoubtedly of a very ancient date, and I believe much older than the edition of that work; and it appears to be so, from the shortness of the time it hath directed for the party's continuance under the Penitential Discipline, since, as I have already suggested, the time of penance was much prolonged after Montanus, and grew still more severe after that Novatus had broached his heresy.

The passage I am transcribing, is directed to the Bishop, and runs thus: "When you see the offender in the congregation, you are to take the matter heavily, and to give orders that he be expelled from it. Upon his expulsion, the Deacons are likewise to express their concern, to follow and to find the party, and to detain him for a while without the church. In a little time they are to come back, and to intercede with you on his behalf, in like manner as our Saviour interceded with His Father for sinners, saying, as we learn

Luke 23. 34. in the Gospel, 'Father, forgive them; for they know not



what they do.' Then you shall order him to be brought into the church; and after having examined whether he be truly penitent, and fit to be re-admitted into full Communion, you shall direct him to continue in a state of mortification for the space of two, three, five, or seven weeks, according to the nature of the offence; and then, after some proper admonitions, shall dismiss [or absolve] him."<sup>1</sup>

It is doubted amongst learned men, whether the Stations of penance were so distinguished before the times of Montanus and Novatus, as they were after them. If they were so, the account of that matter comes down to us so lamely that we cannot be sure of it.

For though such as desired to return into the Church by the door of penance, might stand before their times at the church-porch, entreating with tears to be admitted farther, yet that Station does not then appear to have been formally assigned them as a part of their penitential labours. So, likewise, for the Station of hearers, they might indeed stand in that part of the church before they were admitted into the roll of penitents, as Jews and infidels, we have seen, were allowed to stand there; but from the moment wherein they were received as penitents, and entered as such into the care of the Church, there are men of great name and learning who believe them to have been placed amongst the Prostrate; which grew in after-times to be esteemed the third Station of penance, those of mourners and hearers being the two preceding.

Whether the uncertainty we are at in this matter, proceeds from want of light, or of fact, I shall not determine. But, indeed, the growing corruption and license of practice, which the conversion of the emperors brought into the Church, gave afterwards an occasion to this discipline of being more frequently used, and then of being, in course,

<sup>1</sup> Ἰδὼν δὲ σὺ τὸν ἡμαρτηκότα, πικρανεῖς κείνους αὐτὸν ἔξω βληθῆναι, καὶ ἐξελθόντι αὐτῷ πικραίνεσθωσαν οἱ διάκονοι, καὶ ἐπιζητοῦντες κατισχύτωσαν αὐτὸν ἔξω τῆς ἐκκλησίας, καὶ ἐισελθόντες ὑπὲρ αὐτοῦ σε ἱρωτάτωσαν· καὶ γὰρ ὑπὲρ τῶν ἡμαρτηκότων ὁ Σωτὴρ τὸν Πατέρα ἡξίου, ὡς γέγραπται ἐν τῷ εὐαγγελίῳ, Πάτερ ἄφες αὐτοῖς, οὐ γὰρ οἶδασιν ὃ ποιοῦσι· τότε σὺ

κελεύσεις εἰσελθεῖν αὐτὸν, καὶ ἀνακρίνας εἰ μετανοεῖ, καὶ ἄξιός ἐστιν εἰς ἐκκλησίαν ὅλως παραδεχθῆναι, στιβώσας αὐτὸν ἡμέρας νηστειῶν κατὰ τὸ ἁμάρτημα, ἰβδομάδας δύο ἢ τρεῖς, ἢ πέντε, ἢ ἑπτὰ, οὕτως αὐτὸν ἀπόλυσον, εἰπὼν αὐτῷ ὅσα ἀρμύζει ἡμαρτηκότης εἰς νοθεύσιν.—In Apostol. Constitut. lib. ii. cap. 16. See moreover what is cited from them in p. 32.

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more exactly described to us, than it was whilst our religion lay under public discouragements. For then it was not so likely that any should profess Christianity who did not mean it; nor may we therefore expect that the traces of this discipline should be so conspicuous then as when it grew to be in more frequent use. The case of those who through fear forsook our religion, was that which chiefly employed the discipline of the three first centuries; so that its several parts and proportions, with divers circumstances, which time and occasions brought on the mention of, must necessarily have been left untouched by these earlier writers.

However it be, the assignment of penitents for so many years to the Station of mourners, for so many to that of hearers, for so many more to that of the Prostrate; and, further yet, for so many to that of by-standers, this was all the undoubted language of the fourth century; and many hence, as finding no earlier footsteps of it which could with certainty be distinguished, have concluded it the product of that age.

Yet what will be cited from Gregory Thaumaturgus,<sup>1</sup> and hath already been quoted from Tertullian, looks, it must be owned, somewhat like a distinction of Penitential Stations, even in the third century. The one hath expressly mentioned the Station of hearers in a manner which seems to imply, that he was no stranger to that of the mourners; since people who were to be “driven from the Station of hearers,” were, in all likelihood, driven to that of mourners, as the next in rank and order to the former. In which respect, they were a little worse treated than Jews or heathens, who might all, we have seen, if they pleased, be hearers.

The other (viz. Tertullian) seems to have had in view some distinction between such as were denied a communion in prayer with the faithful and such as were further banished from all sacred commerce. But since this is not quite so clear as the former case, I do not build upon it.

I am apt, however, to suspect that the practice might be about this time in its birth, inasmuch as we find it so soon after grown up to its full proportions.

<sup>1</sup> See Tertullian cited in p. 27. Si quis ita deliquerit, ut a communicatione orationis et conventus, et omnis sancti

commercii relegetur. And Gregory Thaumaturgus in part ii. § 1. of this chapter, ἀποάσας ἀπὸ τῆς αἰνείας δι. p. 89. n. 2.

Yet I suppose it grew not up in all places alike, nor proceeded every where by the same steps. It is pretty plain, and shall in its proper place be observed accordingly, that Gregory Nyssen<sup>1</sup> did not prescribe the Station of the *consistentia*, or ‘by-standers,’ although his brother Basil hath expressly recorded it. In like manner, it is not improbable that the other Stations preceding that of the Prostrate were variously used in various places, and had different beginnings in different countries. If the last Canon in the epistle of Gregory Thaumaturgus were unquestionably his, it would put this matter out of all dispute with regard to his age and country, since the Stations there are all of them mentioned in their proper order. But as this is now generally thought to have been borrowed from Basil, it will prove nothing before his time.

Basil himself, who lived in the middle of the fourth century, hath lineally described to us all the Stations of penance which, by that time, were got into full and current use; since he doth not recite them as novel practices, but as the established rules of the then prevailing discipline.

The case he mentions was “of such as offended by incontinence, who, for the first year, were to be excluded entirely from the whole service, and to stand weeping at the church-door, which was the Station of mourners; in the year following, they were admitted to that of hearers; in the third, to that of the Prostrate, called (as the learned reader may observe), by way of eminence, the penance; in the fourth, they were permitted to stand with the faithful whilst they communicated, but might not themselves partake with them. And this I have termed the Station of *consistentes*, or ‘by-standers:’ and thus, at last, they were restored in full to all their privileges, and were allowed to communicate.”<sup>2</sup>

Upon these several Stations, as distinct from the great and eminent Station of penance, that I mean of the Prostrate, I

<sup>1</sup> See his Canonical Epistle in the Appendix, No. I.

<sup>2</sup> “Ἔστι δὲ ἐν ᾧ ἔτισιν ὠρισμένη τοῖς πορνέουσιν ἡ ἐπιτίμησις· ἡ δὲ τῶ πρώτῳ ἐκβάλλεσθαι τῶν προσευχῶν, καὶ προσκλαίνειν αὐτοὺς τῇ θύρᾳ τῆς ἐκκλησίας· τῶ δὲ τετάρτῳ δεχθῆναι εἰς ἀκρόασιν· τῶ τρίτῳ

εἰς μετάνοιαν· τῶ τετάρτῳ εἰς σύστασιν μετὰ τοῦ λαοῦ, ἀπιχομένους τῆς προσφορᾶς· εἶτα αὐτοῖς ἐπιτρέπεσθαι τὴν κοινωνίαν τοῦ ἀγαθοῦ.—Basil. in Epist. Canonic. ad Amphilochem, Iconii Episcop. Can. 22. [Tom. iii. p. 293.]

shall but just observe, that the Station of mourners was quite out of hearing, and was only intended to plant the supplicant in a fit posture for begging the intercessions and prayers of such as were permitted to enter within the church; that the Station of hearers implied no further privilege than that the persons who stood in it might join in the Hymns and Psalms, and might hear the Scriptures read and preached (which the worship of those times began with), and when this part of the service was over, they were dismissed before that for the Catechumens began.

I have already suggested the doubt which there hath been amongst learned men, whether these were appointed Stations of penance before the times of Montanus or Novatus, or whether they were voluntarily chosen by such as desired to be admitted into the class of penitents, as testimonies of their humility and sorrow, and of their desire to atone for their past misbehaviour.

But soon after the time here mentioned, viz. in the latter end of the third or the beginning of the fourth century, it is very evident, that the Stations of *fletus* and *auditio*, 'of mourning and hearing,' were considered as preparatory in point of form to that of Prostration, and were assigned, as such, to penitents for a certain time, who gradually advanced through one and another till they were fully re-instated in all their privileges.

Not that all these stages were in every case necessary to be passed through. No; but according to the nature and quality of the sin, as it was more or less enormous, the offender was directed to stand, from the very first, either amongst the mourners or hearers, or to be amongst the Prostrate; or sometimes to skip all the three, and only to stand by the faithful whilst they communicated, without being himself allowed to join with them. This was the station called *συστασις*, or *consistentia*, which was next in order to that of full Communion. For as discipline grew after the time of Novatus to be more severe, it was thought improper that penitents should rush upon the holy mysteries just after their prostration; and, therefore, they were here detained for a while before they were admitted to full Communion. Sometimes for lighter offences, or else for the



better concealment of more heinous ones, which might have proved either capital to the offender, or otherwise highly inconvenient, he was originally assigned to this, and to no other Station. And this the Father last cited hath told us was the usage with regard to women, "whom either their own piety brought to confess, or any other information charged, before the Bishop, with the sin of adultery, that they were allotted to this Station, until the time assigned them for their penitential separation was expired."<sup>1</sup>

The relief they had hence was, that they did not δημοσιεύειν, 'publish' the sins whereof they had been guilty; which the Exhomologesis, usual with the Prostrates, would have obliged them to do; at least it would thence have been evident, that they had committed some very heinous sin; and that would have brought them under a suspicion, which in time might have proved fatal.

Prostration, however, both before and after the time of Novatus, was all along regarded as the chief Station of penance, wherein the sin of the delinquent was understood to be expiated. Accordingly we meet in the writings of the Fathers with frequent mention of the severities and rigours which were imposed upon him. Whatever, indeed, we have of that kind represented to us in ancient authors, does usually refer to this, and tot his Station only; because, as I have more than once already suggested, the rest were considered rather as preparatory to, than as parts of, penance; which, though designed as a punishment, was in order to a privilege, and as such was sued for with great importunity.

The Council of Carthage, so lately cited, directs the Minister of penance "to assign it to such as humbly begged it, without respect of persons."<sup>2</sup> They could not communicate until they had passed through it; and that was the reason why they so humbly begged that they might be admitted to it. They did not apprehend themselves to be fully in the

<sup>1</sup> Τὰς μοιχευθείσας γυναῖκας, καὶ ἑξαγορεύουσας δι' ἐνδόξου ἢ ἐπὶ πύλαις ἐλεγχόμεναι, δημοσιεύειν οὐκ ἐκίλευσαν οἱ πατέρες ἡμῶν, ἵνα μὴ θανάτου αἰτίαν παράσχωμεν ἐλεγχθείσας· ἵστασθαι δὲ αὐτὰς ἄνευ κοινωνίας προσέταξαν, μέχρι τοῦ συμπληροῦσθαι τὸν χρόνον τῆς μετανοίας.—Basil.

in Epist. Canonic. Can. 34, [tom. iii. p. 295.]

<sup>2</sup> Ut sacerdos pœnitentiam imploranti absque personæ acceptione, pœnitentiæ leges injungat.—In Concil. Carthag. iv. can. 74. [Hardouin. tom. i. p. 983.]



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Church until they might partake of its Ordinances; and it was then an undisputed maxim, that no man was a Christian who was not in the Church: let his teaching abilities be what they would, his eloquence and philosophy never so great, yet if he broke the bond of charity and Ecclesiastical unity, he was judged to have lost whatever of privilege he once might have claimed as a member of the Church; and, when that was once lost, and he was duly ejected out of it, there was no Salvation to be expected for him. So St. Cyprian.<sup>1</sup>

And yet this discipline, how much soever the zeal of those times might induce people to desire coming under it, was in reality very severe and rigorous: not only in the church, and in the time of worship, their behaviour and posture were to manifest their sorrow, but out of it likewise they were to express the same, in the whole course and tenour of life and conversation.

Origen will tell us, that the "hardships were very great, which that man must submit to who should not be discouraged by the regards of shame, from opening his case to the Minister of God, and from seeking relief at his hands, that, according to that of the Psalmist, he must water his couch with his tears, and that they must be his meat both day and night."<sup>2</sup>

Tertullian, where he would rather diminish than magnify the rigours of Church discipline, does yet bear testimony to it; so that what comes here from him, is to be considered as coming from an unwilling witness, who would rather have chosen to conceal, than to acknowledge it. Yet even he (whilst, as a Montanist, he ridicules it for insignificant) confesses it to be very rigorous. "They sit," says he, speaking

<sup>1</sup> Quod vero ad Novatiani personam pertinet, frater charissime . . . scias nos primo in loco nec curiosos esse debere, quid ille doceat, cum foris doceat. Quisquis ille est, et qualiscunque est, Christianus non est, qui in Christi Ecclesia non est. Jactet se licet, et philosophiam vel eloquentiam suam superbis vocibus prædicet; qui nec fraternam charitatem, nec Ecclesiasticam unitatem retinuit, etiam quod prius fuerat, amisit.—Cyprian. in Epist. ad Antonian. [ep. 55, Fell. p. 111.]

Neque enim vivere foris possunt, cum domus Dei una sit, et nemini salus esse, nisi in Ecclesia possit.—Cyprian. ad Pomponium, [ep. 4, Fell. p. 9.]

<sup>2</sup> Est adhuc et septima, licet dura et laboriosa per penitentiam remissio peccatorum, cum lavat peccator in lacrymis stratum suum, et fiunt ei lacrymæ suæ panes die ac nocte; et cum non erubescit sacerdoti Domini indicare peccatum suum.—Origen. in Levitic. cap. 3. Homil. 2. [Ed. Bened. t. ii. p. 191.]

of the penitents, "in sackcloth, they are covered with ashes, they entreat with sighs, and groans, and bended knees, their common mother."<sup>1</sup> And again, "The adulterer is brought into the congregation, to supplicate the brotherhood in form of a penitent, covered with sackcloth and ashes, under all imaginable circumstances of confusion and disgrace, before the widows and Presbyters of the Church, forcing tears from every one, prostrate before their feet, and thus beseeching their compassion."

The same author elsewhere acquaints us with the hardships attending the public Exhomologesis, the confession and humiliation of the Prostrate penitent. "It extends," he says, "its rigour even to its garb and diet, and to lay him in sackcloth and ashes; it obliges him to neglect all dress and ornament, to afflict his soul with melancholy meditations, and to reverse, by a quite contrary practice, the example of his former misbehaviour. As to meat and drink, to use none for pleasure, but merely for sustenance; to keep up the fervours of his piety with frequent and assiduous fastings; to groan and weep, and to cry unto the Lord his God both night and day; to prostrate himself before the Presbyters of the Church, and to beg of the servants of God in the humblest postures, that they would intercede for his pardon. All this the public Exhomologesis requires the penitent to submit to."<sup>2</sup>

Pacian, who lived in the middle of the fourth century, describes the received forms of penance after much the same manner, only he blames the looseness which then began to

<sup>1</sup> De pœnitentiæ officio, sedent in sacco, et cinere inhorrescunt, eodem flatu gemiscunt, eisdem precibus ambiunt, eisdem genibus exorant, eandem invocant matrem. . . . Et tu quidem pœnitentiam mœchi ad exorandam fraternitatem in Ecclesiam inducens, conciliatum et concineratum cum dedecore et horrore compositum prosternis in medium ante viduas, ante Presbyteros, omnium lacinias invadentem, omnium vestigia lambentem, omnium genua detinentem.—Tertull. de Pudicit. cap. 5, 13.

<sup>2</sup> De ipso quoque habitu atque victu mandat: sacco et cineri incubare, corpus

sordibus obscurare, animum mœroribus dejicere, illa quæ peccavit tristi tractatione mutare; cæterum pastum et potum pura non esse [N.B. "Non esse" in the *text* of Rigaltius, but quoted "nosse" in the *note*], non ventris scilicet, sed animæ causa; plerumque vero jejuniis preces alere, ingemiscere, lacrymari, et mugire dies noctesque ad Dominum Deum; Presbyteris advolvi, et caris Dei adgeniculari, omnibus fratribus legationes deprecationis suæ injungere. . . . Hæc omnia Exhomologesis . . . ut pœnitentiam commendet, &c.—Tertull. in lib. de Pœnitent. cap. 9.

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creep into the performance of it. "We do not," says he, "observe, as we should do, so much as those outward forms, which lie open to the very eye of the judge, and might draw commendation from him, such as weeping in the face of the Church, lamenting in mournful habit the depravity of our lives and manners; fasting, prayer, and prostration; refusal of all public divertisements and entertainments, as persons who have sinned against God, and are consequently in danger of eternal destruction. In fine, all humble supplication to the poor, the widows, the Presbyters, each member of the Church to intercede for us; thus trying all conclusions, rather than the last and fatal one, of irretrievable ruin."<sup>1</sup>

Ambrose will afford us a further illustration of the rigour wherewith the Penitential Discipline was in his time executed; and the case in which he chooses to instance is that of a person who should voluntarily confess his secret crimes, and submit to penance; which yet, we must remember, was to be so much the lighter for the piety exemplified by coming in of his own accord. "He asks what encouragement such an one can have to do so who hath no hope of Absolution? It is true, he would have him ask it once and again, and impute it to his own want of due entreaty that he did not suddenly obtain it. Let him beg it, therefore," he goes on, "with tears and groans, and let him interest the whole congregation in the request he makes for it, by all the humble strains of submission he can any way think of."<sup>2</sup>

<sup>1</sup> Ne hæc quidem quæ videri etiam a sacerdote possunt, et Episcopo teste laudari, ne hæc quidem quotidiani servamus, flere in conspectu Ecclesiæ: perditam vitam sordida veste lugere, jejunare, orare, provolvi; si quis ad balneum vocet, recusare delicias; si quis ad convivium vocet, dicere, ista fœlicibus! Ego deliqui in Dominum, et periclitor in æternum perire! Quo mihi epulas, qui Dominum læsi? Tenere præterea pauperum manus, viduas obsecrare, Presbyteris advolvi, exoratricem Ecclesiam deprecari: omnia prius tentare, quam pereas.—Pacian. in Parænes. ad Pœnitent. [§ 10.]

<sup>2</sup> Si quis igitur occulta crimina habens

propter Christum tamen studiose pœnitentiam egerit, quomodo ista recipit si ei communio non refunditur? Volo veniam reus speret, petat eam lacrymis, petat gemitibus, petat populi totius fletibus, ut ignoscatur obsecret, et cum secundo et tertio fuerit dilata ejus communio, credat remissius se supplicasse, fletus augeat, miserabilior postea revertatur, teneat pedes brachiis, osculetur oculis, lavet fletibus, nec dimittat, ut de ipso dicat Dominus Jesus; remissa sunt peccata ejus multa, quoniam dilexit multum. . . . Cognovi quosdam in pœnitentia sulcasse vultum lacrymis, exarasse continuis fletibus genas, stravisse corpus

He proceeds: "I have known many who have done so, who have quite furrowed their faces with cares and tears; who have prostrated themselves, until they have even exposed their bodies to be trod on, and have carried in their faces the marks of that severity wherewith they have been disciplined, looking like so many walking ghosts."

Finally, what represents to us very clearly the extreme rigours of this discipline, is, the comment so generally made upon that of St. Paul to the Corinthians, 1 Epist. chap. v. ver. 5, "The delivery of such an one," as is there described, "to Satan for the destruction of the flesh," which was usually afterwards interpreted of the severities attending penance.

"In that which the Apostle mentions concerning the destruction of the flesh," says Origen, "he means those bodily austerities which are so commonly undergone by penitents."<sup>1</sup>

Tertullian, though he disapproved of the interpretation, yet bears witness to it, as what was in fact received amongst the orthodox of his age. "They (*i. e.* his adversaries the then orthodox) interpret the destruction of the flesh concerning penitential mortifications, wherewith the persons under that discipline think to make satisfaction for their sins."<sup>2</sup>

Pacian gives us the same construction of those words, where he tells Sempronian, "That they are but few, in the comparison, who rise again after their fall, who recover from their wounds, and are perfectly sound again; who feel the success and comfort of their tears and supplications, and who revive again after the destruction of their flesh."<sup>3</sup> All

suum calcandum omnibus, jejuno ore semper et pallido mortis speciem spiranti in corpore prætulisse. — Ambros. de Pœnitent. lib. i. cap. 16. [p. 414. Ed. Bened.]

<sup>1</sup> Quod enim dicit [Apostolus] tradidi in interitum carnis, hoc est, in afflictionem corporis, quæ solet a pœnitentibus expendi. — Origen. in Homil. xiv. super Levitic. cap. 24. [Ed. Bened. ii. 261.]

<sup>2</sup> Hic jam carnis interitum in officium

pœnitentiæ interpretantur, quod videatur jejuniis et sordibus et incuria omni, et dedita opera malæ tractationis carnem exterminando satis Deo facere. — Tertull. de Pudicit. cap. 13.

<sup>3</sup> Labor vero iste paucorum est, qui post casum resurgunt, qui post vulnera convalescunt, qui lacrymosis vocibus adjuvantur, qui carnis interitu reviviscunt. — Pacian. in Epist. iii. ad Sympronian. [§ 8.]



this he evidently applies to the case of penitents, and to the discipline undergone by them.

Upon the whole, I think we may observe, that the power of the keys in shutting the Church doors (*i. e.* in binding) was executed heretofore with great severity; that no man could then sin scandalously upon cheap or easy terms, if ever he expected or sued for pardon: nay, that even secret sins were anciently accounted for; and that the persons who had been guilty of them, were much exhorted to unfold them, and much commended for the discovery, when they were prevailed with to make it.

But why all this? may it yet be said. Why all this trouble and difficulty in the cure of sin, which hath the magistrate here to punish, and will have God hereafter to avenge it?

Now to account for this, it were sufficient if we only urged the obligation which the primitive Christians thought themselves under to comply with an ordinance of the Gospel; and to exact the Penitential, as well as the Baptismal Discipline. For we read, if I rightly remember, as much in their writings of Penitents, as we do of Catechumens, of as much solicitude and care in the Church of God for the one, as we do for the other.

Penance was, indeed, reckoned as a supplement to Baptism; allowed, as that was, once, and once only; at least but once for the same offence.

“God hath placed a second penitence,” saith Tertullian, “at the door of the Church, for those to re-enter by, who are desirous of it;”<sup>1</sup> but then they are permitted to enter but once by this latter way, because it is their second trial, and because it appears by it, that they have broken their former engagements.

Ambrose asks the Novatians, “Why they baptized, if, according to their tenet, sin might not be remitted by the ministry of men? For, it is agreed,” says he, “that all sins are in Baptism remitted; where then is the difference,

<sup>1</sup> Collocavit in vestibulo pœnitentiam secundam quæ pulsantibus patefaciat, sed jam semel, quia jam secundo, sed

amplius nunquam, quia proxime frustra.  
—Tertull. de Pœnitent. cap. 7.



whether the Priest claims to himself the exercise of this power by the ordinance of Baptism, or by that of Penance?"<sup>1</sup> And again, "As there is one Baptism, so there is but one solemn Penance allowable; and that must be public in the face of the Church."<sup>2</sup>

We might well enough, therefore, put our account of this matter upon the foot of its being a Gospel ordinance, and what, as such, would need no other account to be given of it.

But, beside the authority of institution, and of current practice formed upon it, I find, moreover, some reasons assigned for it in primitive records, of which my reader shall not be defrauded: as,

1. The honour of the Church was one of these, which, in the design of Christ her Founder, was to consist of a "peculiar people zealous of good works, that so He might present it to Himself a glorious Church, not having spot or wrinkle, or any such thing, but that it should be holy, and without blemish." Agreeable to which is that passage in the Constitutions, which speaks thus: "If we do not separate from the Church those who will not live within the rules of it, we shall make the house of God a den of thieves."<sup>3</sup> Eph. 5. 27.

2. Another ground of this discipline was example to others, that they might fear,<sup>4</sup> and learn from thence not to offend, when they should see and observe the difficulties of obtaining pardon.

3. The last ground of this discipline was the advantage of the delinquent himself, that "by the destruction of his flesh,"<sup>1</sup> as the Apostle speaks, "his spirit might be saved in the day of the Lord Jesus." 1 Cor. 5. 5.

Upon these I shall no longer now detain my reader, because I may have occasion to resume them before I finish.

<sup>1</sup> Cur baptizatis, si per hominem peccata dimitti non licet? In Baptismo utique remissio peccatorum omnium est. Quid interest utrum per pœnitentiam, an per lavacrum hoc jus sibi datum sacerdotes vindicent? Unum in utroque mysterium est.—Ambros. de Pœnitent. lib. i. cap. 8, [p. 400. Ed. Bened.]

<sup>2</sup> Sicut unum Baptisma ita una pœni-

tentia, quæ tamen publice agitur.—Ibid. lib. ii. cap. 10, [p. 436. Ed. Bened.]

<sup>3</sup> 'Εὰν οὖν καὶ ἀνθρώπων παράνομον μὴ τῆς ἐκκλησίας τοῦ Θεοῦ χωρίσωμεν, ποιήσωμεν τὸν οἶκον Κυρίου σπήλαιον ληστῶν.—Apostol. Constitut. lib. ii. cap. 17.

<sup>4</sup> "Ὅπως καὶ τοῖς ἱστίοις εὐλόγησαν ἑμποιήσῃ.—Ibid.

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But he will see from what is cited to this purpose, that Tertullian,<sup>1</sup> Pacian,<sup>2</sup> and Austin,<sup>3</sup> are all with me, in assigning the benefit of the delinquent for one great reason of the Penitential Discipline.

Well, then, when all this had been submitted to, the penitent's access to reconciliation was almost open; only, as it hath been already suggested, he was, ever since the time of Novatus, obliged to stand for a while in the Station of *consistentia*, i. e. to be present at the holy mysteries, but not immediately to be a partaker, lest he should seem to rush upon them too suddenly from a state of sin. But then the door was entirely open to him, and he might re-enter upon all his privileges by the benefit of Absolution; which was the third and finishing branch of the ancient Church-discipline.

## SECTION III.—Of Absolution.

It hath been already in part observed, that this was the main ground of the dispute between the Montanists (first, and after them between the Novatians) and the orthodox. They were agreed in separating such and such offenders from the Church,<sup>4</sup> but they disagreed upon the point of receiving them again into it. The sectary said, "Nay, stand off, for I am holier than thou;" whereas the Church had compassion, and, after some time of separation, allowed them

See notes in  
pp. 46, 47.

<sup>1</sup> Temporalis afflictione æterna supplicia non dicam frustretur (Exhomologesis) sed expungat. Cum igitur proolvit hominem, magis relevat; cum squalidum facit, magis mundatum reddit; cum accusat, excusat; cum condemnat, absolvit. In quantum non peperceris tibi, in tantum tibi Deus, crede, parcet.—Tertull. de Pœnitent. c. 9. [10.]

<sup>2</sup> In quantum pœnæ vestræ non pepercistis, in tantum vobis Deus parcet. [§12.] . . . Qui fratribus peccata sua non tacet, Ecclesiæ lacrymis adjutus, Christi precibus absolvitur.—Pacian. in Parænes. ad Pœnitent. [§ 8.]

<sup>3</sup> Id agat (Pœnitens) quod non solum illi prosit ad recipiendam salutem, sed etiam cæteris ad exemplum. [Hom. ult. ex. 50, p. 947, vol. v. Ed. Bened.]

Utqui separari a regno cœlorum timet per ultimam sententiam summi judicis, per Ecclesiasticam disciplinam, a Sacramento cœlestis panis interim separetur. [Hom. ult. ex. 50, p. 946, vol. v.] Agite pœnitentiam qualis agitur in Ecclesia, ut oret pro vobis Ecclesia. Nemo sibi dicat, Occulte ago, apud Deum ago; novit Deus, qui mihi ignoscat, quia in corde meo ago. Ergo sine causa dictum est, Quæ solveritis in terra, soluta erunt et in Cœlo? Ergo sine causa sunt claves datæ Ecclesiæ Dei? frustamus Evangelium? frustamus verba Christi? Pro-mittimus vobis quod ille negat?—August. in Hom. 49 et 50.

<sup>4</sup> Reliquas libidinum furias non modo limine, verum omni Ecclesiæ tecto sub-movemus.—Tertull. de Pudicit. c. 4.

to approach.<sup>1</sup> Only when these sects had raised clamours, and started objections, the Church continued her penitents a good deal longer in a state of discipline before she would admit them to full Communion.

The ceremonial of their re-admission, we have nowhere, as I can find, exactly described to us; of what was previous to it we have abundant mention, viz. the confession and humiliation of the party, the intercessions of the people with the Bishop on his behalf; sometimes *libelli*, or 'tickets,' from the martyrs were obtained, to recommend him to the Bishop's favour for his speedier restoration; of all which, St. Cyprian alone will furnish the reader with sufficient evidence.

His complaint of such Presbyters as had irregularly admitted certain offenders to Communion, shews us what the regular process should have been, viz. That they should have had their case examined narrowly in all its circumstances, and an inspection made into their lives; and have done penance for their fault; and acknowledged it with all humble solemnity in the face of the Church, and have begged pardon for it of all who might have taken scandal at it; and then after imposition of hands from the Bishop and his Clergy, and solemn prayers offered up to God on their behalf, they should thus, after some time, have been re-admitted to the privileges they had forfeited.<sup>2</sup>

<sup>1</sup> Indignant voce dicentes singuli; noli me tangere quia mundus sum.—Ambros. de Pœnitent. lib. i. [c. 8, p. 400.]

<sup>2</sup> Illi contra Evangelii legem . . . ante actam pœnitentiam, ante Exhomologesin gravissimi atque extremi delicti factam, ante manum ab Episcopo et Clero, in pœnitentiam impositam, offerre pro illis, et Eucharistiam dare; id est, sanctum Domini corpus profanare audeant.—Cyprian. in Epist. [15. Fell. p. 34.]

Audio quosdam de Presbyteris nec Evangelii memores, nec quid ad nos martyres scripserint cogitantes, nec Episcopo honorem sacerdotii sui et cathedræ reservantes, jam cum lapsis communicare cœpisse et offerre pro illis, et Eucharistiam dare, quando oporteat ad hæc per ordinem perveniri. Nam cum in minoribus delictis, quæ non in Domi-

num committuntur, pœnitentia agatur justo tempore, et Exhomologesis fiat, inspecta vita ejus qui agit pœnitentiam, nec ad communicationem quis venire possit, nisi prius illi ab Episcopo et Clero manus fuerit imposita, quanto magis in his gravissimis et extremis delictis, caute omnia et moderate secundum disciplinam Domini observari oportet?—Ibid. in Epist. [17. Fell. p. 39.]

Temperamentum salubri moderatione libravimus, ut nec in totum spes communicationis et pacis lapsis denegaretur . . . nec tamen rursus censura Evangelica solveretur, ut ad communicationem temere prosilirent; sed traheretur diu pœnitentia, et rogaretur dolenter paterna clementia, et examinarentur causæ, et voluntates, et necessitates singulorum.—Ibid. in Epist. [55. Fell. p. 102.]

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Yet neither does this, nor any other author of his date, acquaint us precisely what the form of their re-admission was. The Apostolic Constitutions give us here some light, but it is not clear nor full enough to discover this part of the Penitential Discipline in its just proportions.

“Do you,” say they, “O Bishop, do in like manner; and as you initiate an Heathen in the Church of Christ by Baptism, so restore, with imposition of hands, the man who hath been cleansed by the discipline of penance, to his ancient pasture, the whole congregation interceding for him, to whom the ceremony of imposition of hands shall serve for that time in the room of Baptism.” And again, in another chapter of the same book, “Admonish offenders; and, after having assigned them for some time to a state of mortification, take off their burden by a pardon, and accept their tears; and when the whole Church intercedes for them, lay your hands upon them, and afterwards suffer them to continue unmolested in the Church of Christ.”<sup>1</sup>

From hence, then, we gather thus much (though not all we would), that there were the intercessions of the Church, the intercessions of the chief Minister, and his imposition of hands, all applied to the restoration of the offender. But then these, we shall see, were all along applied to him, throughout the whole course of his Penitential Discipline, as well as at the very instant of his restoration. Now, whether there was any peculiar ceremonial in the very article of his passing out of the penitential into the Station of the faithful, other or more than what hath here been represented, is a query which would be well worth pursuing, if we knew where it would be likely to find an answer; all the authors of any standing, whom I have yet looked into, keeping here a profound silence.

But by what we can learn of the primitive Absolution out of primitive writers, it should seem to have been not a single,

1 Οὕτως οὖν καὶ σὺ ποίει, ὦ ἐπίσκοπε· ἀλλ' ὥσπερ τὸν ἐθνικὸν λούσας εἰσδέχῃ μετὰ τὴν διδασκαλίαν, οὕτω καὶ τοῦτον χειροθετήσας, ὡς ἂν μετανόη κακαρισ- μένον, πάντως ὑπὲρ αὐτοῦ προσεύχομενων, ἀποκατάστησιν αὐτὸν εἰς τὴν ἀρχαίαν αὐτοῦ νομὴν· καὶ ἔσται αὐτῷ ἀντὶ τοῦ

λούσματος ἡ χειροθεσία.—Apostol. Con- stitut. lib. ii. c. 41.

Τοὺς ἡμεροτηκότας νοιέσκει, καὶ σιτίων ἐν τῇ νηστείᾳ ἐν τῇ ἀφίσει ἐλάφρυνον, καὶ προ- σκλαύσαντα εἰσδέχου, πάσης τῆς ἐκκλησίας ὑπὲρ αὐτοῦ δεομένης, καὶ χειροθετήσας αὐτὸν ἕα λοιπὸν εἶναι ἐν τῷ ποιμνίῳ.—Ibid. inc. 18.



but a complex act; an effect arising from a course and succession of divers acts; what the people had some hand in as well as the Priest; only with this just and necessary distinction, that the prayers of the people are here to be considered as testimonies of their charity, rather than as evidences of any authority; whereas in the Priest, they are to be considered as flowing from his Office, and warranted by it; and, therefore, as standing entitled to a success and efficacy which the people's could lay no claim to. "He being an authorised mediator, and supplying upon earth the place of his great Master Christ, doing for the people under him what was done for them by the Priests under the Law, viz. atoning for their sins, and offering up to God unbloody sacrifices, through Jesus Christ, the great High-Priest."<sup>1</sup>

"For this very reason," saith St. Chrysostom, "do the Priests of God preside in His worship, that the prayers of the people being in themselves less available, may lay hold on those of the Priest, as more powerful and efficacious, and so may jointly ascend to Heaven."<sup>2</sup>

And so very considerable was the Priest's agency in this matter represented by St. Cyprian, that the penitent's forgiveness was said expressly to be procured by it.<sup>3</sup>

None of all this was intended to derogate from the Office of our one Mediator, nor to invade the province which, in strictness of speaking, belongs to Him only. But whatever of this nature was ascribed to the Priest, was ascribed to him in character and quality of his being agent for Christ, as sustaining His Person among men, as being His steward and His ambassador, and as acting entirely by, and under His authority.

<sup>1</sup> Ὅτις οὖν σήμερον, ὧς Ἐπίσκοποι, ἵσται τῶν λαῶν ὑμῶν ἱερεῖς, Λιυῖται, οἱ λειτουρ- γοῦντες τῇ ἱερᾷ σκηνῇ, τῇ ἀγίᾳ καθολικῇ ἐκκλησίᾳ, καὶ παριστάμενοι τῇ θυσιαστηρίᾳ Κυρίου τοῦ Θεοῦ ἡμῶν, καὶ προσάγοντες αὐτῷ τὰς λογικὰς, καὶ ἀναιμάκτους θυσίας διὰ Ἰησοῦ τοῦ μεγάλου ἀρχιερέως. Ὅτις τοῖς ἐν ὑμῖν λαϊκοῖς ἵσται προφῆται, ἀρχον- τες, καὶ ἡγουμῖνοι, καὶ βασιλεῖς, οἱ Μισῖται Θεοῦ καὶ τῶν πιστῶν αὐτοῦ ... οἱ πάντων τὰς ἀμαρτίας βασιλεύοντες, καὶ περὶ

πάντων ἀπολογούμενοι. — Apostol. Con- stitut. lib. ii. cap. 25.

<sup>2</sup> Διὰ γὰρ τοῦτο οἱ ἱερεῖς προεστήκασι, ἵνα αἱ τοῦ πλήθους εὐχαὶ ἀσθενιστέραι οὔσαι, τῶν δυνατωτέρων τούτων ἱπιλα- ξόμεναι, ὁμοῦ συνανίλθωσιν αὐταῖς εἰς τὸν οὐρανόν. — Chrysostom. de Incomprehen- sib. Dei Natur. Hom. iii. [§ 6, vol. i. p. 469. Ed. Bened.]

<sup>3</sup> Dum satisfactio, et remissio facta per sacerdotes apud Dominum grata est. — Cyprian. de Laps. [p. 134. Fell.]

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The people, then, though they joined with the Bishop in his intercession to God on the penitent's behalf, yet bore not the same part in it which he did. He prayed for them to God with authority, as invested with a certain character for that very purpose, and so what he did was in virtue of his Office; whereas they only evidenced their charity by testifying that they did likewise desire the penitent's forgiveness.

But in the imposition of hands, which was the solemn ceremony of sacerdotal benediction, wherein the less was blessed of the greater, the people did no way meddle. We read of hands laid on by the Bishop and his Clergy, but never by the laity.<sup>1</sup>

Whether, then, there was any further or more solemn ceremonial used at the instant of re-admitting penitents than merely suffering them to take their former place in the Church amongst the faithful, I have not, I say, been able to learn with my best inquiries. The intercession of the Priest to God for them, and his imposition of hands upon them, in token of blessing them, were formularies applied to them very often, at least, if not in each assembly for solemn worship, throughout the whole course of their penitential separation.

Imposition of hands was the ceremonial wherewith they were received to penance. St. Cyprian, complaining that penitents were received to Communion without any of the preparatory stages to it, hath shewed us what those stages were, and by what steps they should have risen to it. "First, hands should have been laid upon them in order to their penance. Then should have succeeded the solemn Exhomologesis, or humble confession of their fault in the face of the Church; and, finally, they should have gone through the appointed Stations of penance before they were admitted in full to the privilege of Communion."<sup>2</sup> The Council of Agatha bears witness to this, as a general and current

<sup>1</sup> Nec ad communicationem quis venire possit, nisi ab Episcopo et Clero manus fuerit imposita.—Cyprian in Epist. [17 Fell.] cited in p. 63, note 2.

<sup>2</sup> Ante actam pœnitentiam, ante Exhomologesin gravissimi atque extremi de-

licti factam, ante manum ab Episcopo et Clero in pœnitentiam impositam, offerre pro illis, et Eucharistiam dare .... audeant. See the whole passage cited in p. 63, note 2. Cyprian, epist. [15.]

practice in the reception of penitents, and confirms it, moreover, by express authority.<sup>1</sup>

Here is, therefore, plain evidence that imposition of hands was not peculiar to the instant of the penitent's restoration.

When the time of public penance grew to be confined to the Quadragesimal Fast, all the formularies appertaining to it were crowded into that narrow compass. Now, the fourth Council of Carthage hath informed us, that hands were to be laid upon the penitent during that whole season.<sup>2</sup> And, indeed, imposition of hands was a ceremony so well known to be an attendant upon penance during the whole season of its continuance, that the discipline itself did sometimes receive its name from this, which was such a considerable part of it. Thus another Canon of the same Council hath forewarned the clinical penitent not to account himself absolved, if he should recover, without imposition of hands;<sup>3</sup> which there, I think, must signify penance, since, according to St. Cyprian, he must have received imposition of hands at his being admitted to penance upon his sick bed; and therefore, when he is warned to receive it again upon his recovery, it must mean his submission to the penance which had been then assigned him.<sup>4</sup> And this was conformable to the known practice of antiquity upon these occasions.

Hence, therefore, I conclude, that imposition of hands was neither peculiar to the reception of penitents to their penance, nor yet to their absolution from it; but was, indeed, intermixed with the seasons of worship so long as they continued under it.

In the sixth century, when this whole discipline was much relaxed, and the forms of it were mightily altered, the third Council of Toledo called the people to rule, and laboured to

<sup>1</sup> *Pœnitentes tempore quo pœnitentiam petunt . . . (sicut ubique constitutum est) Impositionem manuum . . . consequantur.*—In Concil. Agathens. habit. A.D. 506, Can. 15, [ap. Hardouin. tom. ii. p. 999.]

*Omni tempore jejunii manus pœnitentibus a sacerdotibus imponatur.*—In Concil. Carthag. iv. Can. 80. [Hardouin. tom. i. p. 983.]

<sup>2</sup> *Pœnitentes qui in infirmitate viaticum Eucharistiæ acceperint, non se credant absolutos sine manus impositione, si supervixerint.*—Ibid. Can. [78. Hardouin. *ibid.*]

<sup>3</sup> See what is cited in chap. iii. § 3. *Ut manu eis in pœnitentia imposita, veniant ad Dominum cum pace.*—In Epist. [18. Fell. p. 40.]

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The usual form of intercession for penitents (which the reader may see in the Appendix, No. 4) made a constant part of the more solemn service in the earlier ages of the Church. And it was called the "prayer for penitents with imposition of hands;" so that this ceremony seems to have been used as often as the prayer was. When both had, therefore, been used till the time appointed for the penitent's full readmission to all his privileges, the direction to the Bishop runs only thus: "Lay your hands upon him, and let him thenceforwards remain unmolested in the fold." Or, thus again, to much the same effect, "Restore him to his former pasture."<sup>2</sup> If there had been any more solemn usage, peculiar to the instant of his quitting the penitential Station, here one would have thought had been a fit occasion of mentioning it. But from the silence of the Constitutions here, and, indeed, of all the authors which it hath yet been my fortune to meet with upon the subject, I suppose we may conclude that there was no further apparatus, but that the penitent, without more ado, took his place among the faithful when his term was expired, and hands had been laid upon him, and prayers put up to God for him; all which we may well, however, believe to have been done at this time also, as it had probably been done before in each assembly for solemn worship.

Absolution, therefore, seems to have consisted originally of two main branches; the one respecting the *forum inter-*

<sup>1</sup> Ut secundum formam antiquorum canonum dentur pœnitentiæ; hoc est, ut prius eum quem sui pœnitet facti, a communione suspensum faciat [Presbyter] inter reliquos pœnitentes ad manûs impositionem crebrò recurrere.—In Con-

cil. Toletan. iii. cap. 11. [Hardouin. iii. 481.]

<sup>2</sup> Χειροθετήσας αὐτὸν ἕα λοιπὸν εἶναι ἐν τῷ ποιμνίῳ· . . . ἀποκαταστήσεις αὐτὸν εἰς τὴν ἀρχαίαν αὐτοῦ νομὴν.—Constitut. lib. ii. c. 18 et 41.



*num*, ‘the conscience of the sinner;’ the other, relating to the *forum externum*, ‘the outward regimen of the Church.’

The first of these was instrumental to the pardon of sin, whilst the second relaxed the Censure it lay under. The one interceded with God for the sinner’s forgiveness, and the other declared him released from his Ecclesiastical bond.

Now, the first of these acts was always in form of prayer throughout the earliest ages, and the reader will hereafter find, that it continued so for one thousand years.

Morinus will acknowledge thus much, as well as that the *forum internum* and *externum* have not long been distinguished from each other;<sup>1</sup> but then he fain would pass upon his reader the notion of secret penance for sins, which, though mortal, indeed, in their nature, yet were not of the very deepest dye.<sup>2</sup> This is the distinction upon which he grafts all the present practice of the Roman Church, in what is called by those of its communion, the Sacrament of Penance. But then he is so ingenuous, as to confess, that the “mention of it amongst ancient writers is very hardly to be met with;” which is so true, that it is not in any manner to be found amongst them.

In reality, therefore, this practice, if it were at all carried on within the first five hundred years, was carried so very secretly, that it looks as if it had been designed for a perpetual secret, since I can nowhere find, within that period, any mention of it.

The ancient distinction between sins was, what hath been cited from Tertullian, viz. between such as were remissible and such as were irremissible (which was, indeed, the rigid judgment of the Montanists); but the orthodox expressed this distinction in a softer way, viz. between sins of frailty and of wilfulness; the one of which they allowed to be curable by penance, the other by daily prayer. More of which the reader will observe in the sequel.

<sup>1</sup> Morin. de Pœnitent. lib. i. cap. 9, § 6. See him quoted at large in chap. iii. § 3.

<sup>2</sup> Primum distinctionem peccatorum mortalium, gravium a minus gravibus, consequitur . . . Istorum sex fere sæculis integris, pœnitentia agebatur publica,

horum secreta. Ista ab Episcopo aut ejus jussu puniebantur, et relaxabantur; hæc vero Presbyterorum potestati erant permissa . . . forum igitur dici poterat duplex; sed istius posterioris longe rarior est mentio.—Morin. de Pœnitent. lib. i. cap. 10, [§ 12.]

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But now, as to the forgiveness of sin, respecting the *forum internum*, or ‘the court of conscience,’ it is certain that God only doth strictly and properly pardon it; or, as Ambrose will presently be found speaking, “impart the Holy Spirit,” Who is evermore supposed to enter, where the sin is pardoned. Irenæus hath argued upon this supposal, where he hath informed his reader, “That our Saviour, in curing the paralytic, and forgiving his sins, manifested Himself to be the Word of God, and, in quality of God and man together, received such power from His Father.”<sup>1</sup>

Man alone was, in that Father’s opinion, plainly incapable of forgiving sins, since the pardon of them made proof of a power superior to any human agent’s.

Clemens Alexandrinus hath directly asserted, “That Christ alone, who is appointed our schoolmaster and instructor, by the God and Father of the universe, is able to forgive our sins; He alone being able to discern the sincerity or insincerity of our obedience.”<sup>2</sup>

Amphilochius (or whoever else was the author of that work) hath related a remarkable passage in the life of Basil, concerning a woman of quality and distinction, who had been a great sinner, and resorted to Basil, that she might through his means obtain pardon. “Dost thou know,” said he to this lady, “that none can forgive sins but God only?” To which she readily replied, “I do know it, and therefore I am come to engage thy intercession with God for me.”<sup>3</sup> And when Basil sent her, on account of her last and most heinous sin, to the hermit Ephrem, in order to procure his intercession for it, she besought the holy man most fervently,

<sup>1</sup> Peccata igitur remittens, hominem quidem curavit, semetipsum autem manifeste ostendit quis esset. Si enim nemo potest remittere peccata, nisi solus Deus, remittebat autem hæc Dominus, et curabat homines; manifestum, quoniam ipse erat verbum Dei, filius hominis factus, a Patre potestatem remissionis peccatorum accipiens quoniam homo et quoniam Deus.—Iren. lib. v. advers. Hæres. cap. 17. Matt. ix. 5.

<sup>2</sup> Διὰ τοῦτο μόνος αὐτός οἷος τι ἀφίναί τὰ πλημμελήματα, ὑπὸ τοῦ πατρὸς τῶν ὄλων ὁ ταχθεὶς παιδαγωγὸς ἡμῶν, μόνος ὁ

τῆς ὑπακοῆς διακρίνει τὴν παρακοὴν δυνάμει.—Clement. Alexandrin. Pædagog. lib. i. cap. 18, [vol. i. p. 138.]

<sup>3</sup> Ἡκουσας, γύναι, ὅτι οὐδὲς δύναται ἀφίναί ἀμαρτίας, εἰ μὴ μόνος ὁ Θεός; ἡ δὲ εἶπεν, ἤκουσα πάτερ· καὶ διὰ τοῦτο ἐκίνησά σε εἰς πρὸςθεῖαν τοῦ φιλοκτιζέμενος Θεοῦ. . . . Βασίλειος ἀπέστειλε πρὸς σε, ὅπως εὐξάμενος πρὸς τὸν Θεὸν ἐξαλείψῃς μου τὴν ἀνομίαν. . . . σὺ δὲ ὑπὲρ μίᾶς μὴ ἀκνήσης παρακαλῆσαι τὸν Θεόν.—Amphiloch. in Vit. Basil. [Pp. 217, 218. Ed. Paris, 1644. Lat. vers. pp. 7, 8.]

that since Basil had interceded for all the rest, he would not grudge her his prayers for that single fault.

I am not to answer for the truth or likelihood of all the circumstances recited in this story; I only quote it as attesting the doctrine of those times, concerning the agency of the Priest in the remission of sins. And this, I conceive, it speaks fully up to.

Thus likewise we read in Ambrose: "This is no work of man, but of God (viz. imparting the Holy Spirit). The Spirit is, indeed, invoked by the Priest, but he is given by God; so that the gift is God's, and the Ministry only belongs to the Priest. For if the Apostle St. Paul judged his own authority incompetent for so great a purpose, who is there amongst us so assuming as to pretend to it? Now, the Apostle, it is plain, offered up his desire of it in form of prayer, without assuming to himself any authoritative disposal of it."<sup>1</sup>

Again, "God alone forgiveth sins. The Holy Spirit doth it; and the part which men bear in this action of forgiveness, is only applying their Ministry to it, not exercising any direct authority; for they remit sins not in their own, but in the Name of the Father, and of the Son, and of the Holy Ghost. They intercede, but the Deity confers the grant."<sup>2</sup>

The author of the work, ascribed usually to St. Cyprian, concerning the Baptism of Christ, expresses himself to much the same purpose with what hath been cited from Ambrose: "Remission of sins, whether by Baptism, or by any other ordinance, is properly," he observes, "the act of the Spirit of God, and the efficacy of it is to be entirely ascribed to

<sup>1</sup> Non enim humanum hoc opus, neque ab homine datur; sed qui invocatur [Spiritus] a sacerdote, a Deo traditur; in quo Dei munus, ministerium sacerdotis est. Nam si Paulus Apostolus judicavit, quod ipse donare Spiritum Sanctum sua auctoritate non posset, et in tantum se huic officio impari credidit, ut a Deo nos Spiritu optaret impleri; quis tantus est, qui hujus traditionem muneris sibi audeat adrogare? Itaque Apostolus votum precatione detulit, non jus auctoritate aliqua vendicavit. Impetrare optavit, non imperare

præsumpsit.—Ambros. de Spiritu Sancto, lib. i. cap. 8, [p. 619. Ed. Bened. v. 2.]

<sup>2</sup> Peccata nemo condonat nisi unus Deus . . . per Spiritum Sanctum peccata donantur; homines autem in remissionem peccatorum ministerium suum exhibent; non jus alicujus potestatis exercent. Neque enim in suo, sed in Patris, et Filii, et Spiritus Sancti nomine peccata dimittunt. Isti rogant, Divinitas donat.—Ibid. in lib. iii. cap. 18, [p. 693. Ed. Bened. vol. ii.]



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Him; whatever agency the Priest may have in it, by words or gestures, or any formularies derived to him from Apostolical institution.”<sup>1</sup>

The Priest, therefore, in this branch of Absolution, must content himself with the office of intercessor, which he hath all along exercised in the Church of God. This, I humbly conceive, is all his part in the *forum internum*; nor can it, I presume, be proved, that he challenged any other till one thousand years had passed from the birth of Christ.<sup>2</sup>

But in the *forum externum*, ‘the outward regimen of the Church,’ the Priest appears with another character, and performs the part of a “judge in commission from Christ,” since his restoration of the penitent to the peace of the Church, and to outward visible Communion, is an authoritative, judicial act, which he performs directly and properly in his own person, and the Church is obliged to own what he does as good and valid.

St. Cyprian thought an act of the Priest in this part of his Office so authentic, that he held for valid even an “irregular Absolution, and would not attempt to rescind a sentence which had once been passed (how imprudently soever) by a Priest of the Most High God.”<sup>3</sup>

This was what Augustin referred to, when he cautions his people against “contemning the Penitential Discipline, because they might observe, perhaps, some approaching to the Holy Communion, whom they might suspect or know to be guilty of heinous crimes. Inasmuch as though it might

<sup>1</sup> Remissio peccatorum sive per Baptismum, sive per alia Sacramenta datur, proprie Spiritus Sancti est, et ipsi soli hujus efficientiæ privilegium manet. Verborum solennitas et sacri invocationis nominis et signa institutionibus Apostolicis sacerdotum Ministeriis attributa, visibile celebrant Sacramentum; rem vero ipsam Spiritus Sanctus format et efficit. — De Baptismo Christi, apud Cyprian. [ap. Fell. in calcem, Op. Arnoldi Abbatis, p. 30.]

<sup>2</sup> See what is written and cited upon this subject in chap. 3. § 4. N.B. The Ordo Romanus styles the Priest an umpire, intercessor, and mediator between God and man. So lately was this his

character! Sequester ac medius inter Deum et peccatorem ordinatus . . . et intercessor.—Ord. Roman. in Confess. Poenitent. And our learned Outram de Sacrificiis, lib. ii. cap. 1, [p. 267,] entitles the Christian Priesthood, Patrocinium hominum apud Deum, i. e. An office, in virtue of which the persons bearing it, pleaded, as it were, with God for men; and where an offence had been committed, deprecated the one, in behalf of the other.

<sup>3</sup> Pacem tamen (quomodocunque) a sacerdote Dei semel datam non putavimus auferendam.—Cyprian. in Epist. [64. Fell. p. 158.]



be true that they were so, yet no proof was made of it; and we," says he, "can restrain no one from our Communion, except he voluntarily confesses, or be arraigned and convicted before some either secular or Ecclesiastical judge, inasmuch as it was unfit for the same person to be both accuser and judge."<sup>1</sup> This apparently refers not to the mediatorial, but to the judicial Office of the Priest; and so it must be confessed do most other passages in ancient writers, where they speak of the Penitential Discipline, who generally mean by it the *forum externum*, the admission to, or exclusion from, the Ordinances of the Church.

The restoration to Communion did, indeed, presuppose the sin it was applied to pardoned through the intercessions of the Priest, and the mortifications which the penitent underwent throughout the whole course of the preceding discipline. Since when the time assigned him for penance was passed, he seems immediately to have taken the place he stood in amongst the faithful before his separation. So that his sin was gradually expiated by the deprecations of the Minister of God throughout the whole course of his continuance under a state of penance; and it was judged to be fully expiated, when the term of his sentence was expired; and therefore, upon his receiving, for the last time, imposition of hands from the Bishop, he was immediately reinstated in all the privileges of full Communion.

"The peace of the Church was given him;" he was admitted or restored to Communion, after he had fulfilled the measure of that satisfaction which was expected from him. Thus the Fathers<sup>2</sup> variously expressed their sense of that

<sup>1</sup> Nemo arbitretur, fratres, propterea se consilium salutiferæ hujus penitentiae debere contemnere, quia multos forte advertit et novit ad Sacramenta altaris accedere, quorum talia crimina non ignorat. . . . Quamvis enim vera sunt quædam, non tamen judicii facile credenda sunt, nisi certis indiciis demonstrentur. Nos vero a communione prohibere quenquam non possumus (quamvis hæc prohibitio nondum sit mortalis, sed medicinalis), nisi aut sponte confessum, aut in aliquo sive sæculari, sive Ecclesiastico judicio

nominatum atque convictum. Quis enim sibi utrumque audeat assumere, ut cuiquam ipse sit et accusator et iudex?—Augustin. in Hom. ult. ex. 50, cap. [10. Ed. Bened. vol. v. p. 948.]

<sup>2</sup> Pacem, communicationem, dari, reddi.—Cyprian. in Epist. [56. Fell.] et Ambros. de Penitent. lib. i. cap. [2. Ed. Bened.]

Accipiat satisfactionis suæ modum.—August. in Hom. ult. ex. 50, c. [9, p. 947, vol. v.]

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 II. tioned by them.

This did, I say, presuppose the other, viz. the forgiveness of the sinner from God, through the intercession of the Priest. Had the party not been supposed forgiven by God, he would never have been restored; the very act of restoring him was a proof of the opinion conceived of him, that God had forgiven him; and to this forgiveness, on God's part, it was the current persuasion that the whole preceding discipline did very much contribute.

An author so late as Gregory the Great could say, that the "Absolution of the Bishop was then only significant and valid, when it followed the determination of the Supreme Eternal Judge."<sup>1</sup>

But we must further observe, that though the Priest's intercession for the penitent was all along, in the truth of the case, distinguishable from the penitent's restoration or Absolution, yet in the order of time it was not always so; for, indeed, immediately upon finishing the one, there followed the other. From the very moment wherein he quitted his last Station of penance, he took (for aught appears) his former place among the faithful, and then was entirely loosed from his bond.

So that the last act of the Bishop in his imposition of hands, and his intercession for the penitent, was exactly contemporary with the penitent's restoration; and thus these two branches of Absolution met at last in one common point.

From what hath been delivered upon this article, we may observe, that the Absolution of the Primitive Church was for divers centuries a correlative to public discipline; that restoring to Communion did imply its having been before detained; that giving the peace of the Church did infer the party to whom it was given to have been in a state of enmity with it; that reconciliation did presuppose a quarrel; and that loosing could never properly be applied to any case or person where there had been no binding.

These several expressions, which then were used to represent Absolution, do clearly enough evince the thing to us.

<sup>1</sup> Tunc enim vera est Absolutio præ-judicis.—Gregor. in Evangel. Hom. 26.  
 sidentis, cum interni arbitrium sequitur [Vol. i. p. 1555.]

The course was then to bring a man first under a state of discipline, before intercessions were made for him; and to be sure he was first brought under discipline before he was relaxed, or discharged, from it. To absolve was, then, to mediate with God for him, that his humiliation might be accepted; and, after a course of penitential labours, to release him from the burden of them, and so to admit him in full to his former privileges.

Pacian hath answered for us an objection which might here arise, as to the pardon of sin procured by the Priest's intercession, and the consequent admission of the penitent to Communion, which was then esteemed to carry with it the pardon of sin, because it first supposed, and then declared it.

"You will object," says he, "that God only can thus forgive sin. True: but the power of the Priest is, in this case, the power of God; for what else is meant by the power of binding and loosing? I confess, indeed, that pardon is not to be granted to any upon penance, until there is some reason to guess at the will of God concerning them; and even then it is not to be granted but upon mature deliberation, after great evidences of contrition and sorrow on their parts; after much intercession of the Church of God for them; and even then to be given with such a reserve, as not to pre-judge the sentence of the Supreme Judge."<sup>1</sup>

Upon the whole, I think myself bound in justice to observe, that there hath not appeared to me a single instance of Absolution, where there had been no penance, during the first four hundred years after Christ; except in the case of clinical penitents, which I shall presently mention. By what steps, and upon what occasions, the change crept in from the ancient to the modern practice, the next chapter will assist my reader to discover.

<sup>1</sup> Solus hoc (inquies) Deus poterit: verum est: sed et quod per sacerdotes suos facit, ipsius potestas est; nam quid est illud quod Apostolis dicit, Quæ ligaveritis in terris, ligata erunt et in cælis; et quæcunque solveritis in terris, soluta erunt et in cælis. . . . Scio, frater, hanc ipsam pœnitentiæ veniam non passim omnibus dari, nec antequam aut inter-

pretatio Divinæ voluntatis, aut forsitan visitatio fuerit, relaxari; magno pondere, magnoque libramine, post multos gemitus effusionemque lacrymarum; post totius Ecclesiæ preces, ita veniam veræ pœnitentiæ non negari, ut judicature Christo nemo præjudicet.—Pacian. in Epist. 1. ad Sympronian. [§ 6, 7.]

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Much of this may, doubtless, be accounted for, by that discretionary power which the various administration of this discipline proves to have been always vested in the chief officer of the Church.

But then, if there be an ordinance appointed for the remission of sins, it will ever be, with some, a question, whether sins can be regularly remitted without the use of it, by the Ministry of man, for of God's power there is no question. *e. g.* If we were to debate the point in the case of Baptism: the Church hath, doubtless, a power of remitting sins to persons unbaptized.

But how? Can it be done without the ordinance of Baptism, where a door is open to that solemn initiation? We are in like manner agreed, that the Church is vested with authority to remit the sins of persons baptized. But how? Will it be allowed in this, any more than in the former case, to skip over the ordinance, and to absolve without any regard to it?

The Holy Eucharist, it may be said by some, is appointed for this purpose; but it will be replied, perhaps, by others, that none were intended to partake of it who had committed deadly sins, without this penitential preparation; that, according to the rules of the Gospel (if we may judge of those rules by their practice which next succeeded them), such persons are obliged to abstain till they have satisfied for the scandal by a public humiliation.

The matter of right I shall not here undertake to determine; but the fact was plainly this, that, after such offences, penance was for many ages the door of Communion.

So that we may ask, I believe, with Ambrose, as lately cited, Where at last is the difference, whether the Church claims this right of remitting sins by one ordinance or by another, by Baptism or by Penance? And we may observe again, as he did, that as there is one Baptism, so there should be one and only one solemn Penance, and that to be in the face of the Church.

Much to the same purpose is what Augustin hath advised in the case of scandalous crimes especially, "That if the sin do not only affect the conscience of the offender, but hath likewise given scandal to others, he should cure it by this

See in p. 61, what is cited from Ambrose, notes 1, 2.



medicine;"<sup>1</sup> which was, indeed, the *pampharmacon* of the ancients, and without it they had no notion of a cure for any heinous crime.

Yet one case at last there was, wherein, as Baptism was administered to adult persons, without observing or passing through the stage of *Catechumens*, so penance was assigned and Absolution granted, without going through the ordinary stages of the Penitential Discipline; and this was the imminent danger of approaching death. Only clinical Baptism was in no case denied, though it was accounted a fault to defer it where it might be sooner had, and a brand was accordingly fixed upon persons so baptized, if they afterwards recovered.

Whereas, St. Cyprian will inform us of a case, wherein he "thought it improper to allow the peace of the Church, if the party did then first ask it; and that was the case of such as would not before submit to penance, nor manifest their sorrow for their sin, till a sick bed and the fear of death should extort this request from them; these he judged unfit to receive the comfort of Communion in their deaths, who had despised it in their lives."<sup>2</sup>

The Council of Arles determined the same "in the case of such as had apostatized from the faith, and never made their penitential submissions till visited with some dangerous distemper, and then would beg a reconciliation; these were not to be received, except they recovered and did public penance."<sup>3</sup>

<sup>1</sup> Ut si peccatum ejus non solum in gravi ejus malo, sed etiam in tanto scandalo aliorum est, atque hoc expedire utilitati Ecclesiæ videtur antistiti, in notitia multorum vel etiam totius plebis agere pœnitentiam non recuset, non resistat, non lethali et mortifera plagæ per pudorem addat tumorem.—Augustin. in Homil. ult. ex. 50, cap. 9, [p. 947, vol. v. Ed. Bened.]

<sup>2</sup> Icirco, frater carissime, pœnitentiam non agentes nec dolorem delictorum suorum toto corde et manifesta lamentationis suæ professione testantes, prohibendos omnino censuimus, a spe communicationis et pacis, si in infirmitate

atque in periculo cœperint deprecari; quia rogare illos non delicti pœnitentia, sed mortis urgentis admonitio compellit; nec dignus est in morte accipere solatium, qui se non cogitavit esse moriturum.—Cyprian. in Epist. ad Antonian. [Ep. 55. p. 111. Fell.]

<sup>3</sup> De his qui apostatant, et nunquam se ad Ecclesiam repræsentant, ne quidem pœnitentiam agere quærunt, et postea infirmitate arrepti petunt communionem, placuit eis non dandam communionem, nisi revaluerint, et egerint dignos fructus pœnitentiæ.—In Concil. Arelat. i. can. 22, [Hardouin. tom. i. p. 266.]

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“Even when penance was allowed to the clinical, or sick-bed penitent, and when reconciliation followed, he stood bound, upon his recovery, to comply with the conditions upon which it was granted him, and to perform it publicly, in the face of the Church.”<sup>1</sup>

“Indeed a penitent whom danger of death should find in a state of penance, before the expiration of the term assigned him, was in no case whatever to be denied a reconciliation.”<sup>2</sup>

But then, between Absolution thus granted upon regular submission to Canonical Discipline and that which was granted to the sick upon a presumption that if they recovered they would duly discharge it, I say between these two cases there was this great difference anciently apprehended, that the one was secure of pardon, whilst the other was very uncertain of it.

“He,” saith Ambrose, “who hath duly performed his penance, and is loosed from the bond which held him, and which separated him from the body of Christ, and who after such his Penance, and such his Absolution, shall lead a godly life, and then shall happen to die, such an one goes assuredly to God, and to everlasting rest. But for the man who shall be admitted to terms of Penance in the last extremities of life, and after that to Absolution, and shall die in those sad circumstances, we do not, indeed, deny to such an one what he asks of us; but it is not because we think well of his case, for that is what we can no way assure to him. If his Penance be thus deferred to his last moments, though he should be absolved before his departure, yet, whether such Absolution will prove effectual we cannot promise him; we may assign him Penance, but we can give no security for the success of it. For if he will then only begin to repent, when he can no longer sin, the construction will be, that his sins have forsaken him, and not that he hath forsaken his sins.”<sup>3</sup>

<sup>1</sup> Si continuo creditur moriturus, reconcilietur per manus impositionem . . . si supervixerit, subdatur statutis pœnitentiæ legibus.—In Concil. Carthag. iv. Can. 76. [Hard. tom. i. p. 933.] See likewise, in the Appendix, Gregory Nysen's Epistle, No. 1.

<sup>2</sup> De his qui in pœnitentia positi vita excesserunt, placuit nullum communione vacuum debere dimitti; sed pro eo quod honoravit pœnitentiam, oblatio illius suscipiatur.—In Concil. Arelat. ii. can. 12. [Hardouin. tom. ii. p. 774.]

<sup>3</sup> Qui egerit veraciter pœnitentiam et

Even this, we may observe, which seems the only instance of primitive Absolution, where public penance had not preceded, did yet stand related to it, and was to be followed by it, if the party were capable; and he was admitted to the one, upon a presumption that, if he lived, he would perform the other. Though want of proof or neglect of discipline might have hitherto kept him from it, yet now, upon his recovery, he was sure to submit to it; or, if he did not recover, the hope conceived of him was very dubious for his want of it.

For such as had been cut off from the Church by a sentence of Excision, whose case we find mentioned in the Constitutions,<sup>1</sup> it hath already been observed, that they were no more regarded than infidels and heathens; and, therefore, the Penitential Discipline was no way concerned with them, until a sense of their danger had wrought its effects upon them, and until, by their humble demeanour, they had obtained admission to some Station of penance. So that they enter no otherwise within our present consideration, than as their last sickness might happen to surprise them in this desperate state. And then, by what hath been cited from St. Cyprian, it appears that neither Penance nor Absolution was, in those circumstances, allowed them.<sup>2</sup>

What St. James hath written upon the case of Clinics, and upon their sending for the elders of the Church to pray over them, and upon their confessing their faults one to another, may, and does, probably, relate to the miraculous cure of distempers, and to the miraculous gift of prayer.<sup>3</sup> Yet this

solutus fuerit a ligamento quo erat constrictus, et a Christi corpore separatus, et bene post penitentiam vixerit, et post reconciliationem defunctus fuerit, ad Dominum vadit, ad requiem vadit. . . . Qui autem positus in ultima necessitate ægritudinis suæ acceperit penitentiam, et mox reconciliatus fuerit, et vadit, id est, exit de corpore, fateor vobis, non illi negamus quod petit, sed non præsumo dicere, quia bene hinc exit. Non præsumo, non polliceor. . . . Agens vero penitentiam ad ultimum, et reconciliatus si exierit, an securus hinc exeat, ego non sum securus. Penitentiam

dare possum, securitatem dare non possum . . . . Si autem tum agere vis penitentiam, quando peccare jam non potes; peccata te dimiserunt, non tu illa.—Ambros. in Exhortat. ad Pœnitent. agend.

<sup>1</sup> In Apostol. Constitut. lib. ii. cap. 41, cited in p. 32, note 1.

<sup>2</sup> See him cited in p. 77, note 2. Icirco, frater carissime, &c. . . . Prohibendos omnino censuimus a spe communicationis et pacis, si in infirmitate et periculo cœperint deprecari.

<sup>3</sup> St. James, v. 14-16. Ἐξομολογήσθε οὖν ἀλλήλοις τὰς ἁμαρτίας. — See Dr. Hammond upon the place.

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hinders not, but that he might likewise direct or allude to the common practice of Clinical Penance. For though the prayer of faith might then have a certain efficacy, to which in after times it was not entitled, yet it might retain in after times an usefulness which might recommend it, in like circumstances, to succeeding generations. And though it should be granted that the confession of their faults one to another did not necessarily infer the confession of them to a Priest, yet, considering the connexion of that with the foregoing passage, wherein the sending for the Elders of the Church and their praying over him were recommended to the sick; considering the success which is there promised to such a prayer, that the sins of the party should thereupon be forgiven; considering that then it follows in the royal MS. "Confess your sins, therefore, to one another," and adding, moreover, to these several considerations the known usage of the penitential confession, which was, indeed, a confession to one another, *i. e.* a confession in the face of the Church, I cannot help understanding St. James as having here in his view the process of Clinical Penance. He hath plainly supposed the presence of the Elders of the Church, and their intercession to God for the sick penitent, and then hath recommended the confession of his faults in that presence, where two or three assembled together in the Name of God might constitute a Church for that purpose. And thus his confession to, or in the presence of others, though not confined to the Priest alone, will have much the same signification, with that solemn Exhomologesis which was so well afterwards known to be made in the face of the Church, and to denominate one main branch of the penitent's humiliation.

It hath, indeed, been insisted, that the phrase to one another is to be taken in a mutual signification, and so will imply the confession of the persons then present to the sick, as well as the confession of the sick to the persons present. But the phrase may be allowed to retain its mutual construction without any such inference, and St. James may be understood in a sense like this which follows: "Therefore, upon the foregoing considerations, I advise you to resort to this penitential confession of your faults in the presence of



one another, whenever any of you shall be visited with sickness."

According to St. James, the course was, therefore, this: Some Elder of the Church was to be called for, and was to offer up the prayers of the persons then present on the behalf of the sick, who, for his own part, was here exhorted to confess his sins in the presence of that Elder, and of the other by-standers. And thus all, in their turns, were to confess their faults to each other, and to join in prayer for each other, whenever this occasion shall call them to it.

These passages are all apparently connected, and have a mutual relation. And the whole process of this affair, as here represented, was exactly agreeable to the practice which afterwards succeeded. Nor is there any thing extraordinary in the passage of St. James, which was not afterwards adopted into the standing usages of the Church, except only what related to the miraculous cure of the distempers.

But now, as in the case of Excommunication, the practice remained after the age of the Apostles, though the supernatural punishments which at first attended it did no longer follow it; so here it might probably be in the case of Clinical Penance. The usage itself might be, and was continued, although the miraculous cure was discontinued.

What Mr. Le Clerc hath hereupon asserted of the insignificancy of an Elder's prayers, and of Absolution by the Church, will conclude alike against divers Scripture instances, and against all the ordinances of the Gospel; and, indeed, will make Sacraments or no Sacraments, Censures or no Censures, to be equally significant. And, therefore, if the proving too much proves nothing at all, Mr. Le Clerc hath here betrayed his logic and his religion together.

See him in his Supplement to Dr. Hammond, on the 15th and 16th verses of St. James's 5th chapter.

I have but one thing further to observe upon this whole discipline, which hath been occasionally, though not of set purpose, proved throughout the main tenor of the foregoing argument, viz. That solemn Penance, and Absolution from it, were originally allowed but once.

What hath been cited from Hermas evidently proves that, "to the servants of God, there was but one repentance."

See him in p. 22, note 4; p. 23, note 1.

Tertullian hath likewise informed us that it was granted but once; and hath given us, moreover, the reason of that

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restraint, viz. "That the door of penitence was therefore but once opened, because that of Baptism had already been so to no purpose; so that the penitential admission was to be esteemed a second."<sup>1</sup>

"As one Baptism, so one Penance," saith Ambrose.<sup>2</sup> But Augustin to Macedonius is so full upon this, that I shall dismiss the point, when I have given my reader his representation of the case at large.

"Some," saith he, "proceed so far in wickedness, that after they have been admitted to public penance, and have been solemnly reconciled at the altar of God, yet do they run again into the same, or even into grosser crimes; which, however, hinders not the flow of God's common blessings upon them. And though the Church allows them no place for that solemn penance, which they have already frustrated, yet does God still bear with them. Now, if one of this number should say to us Bishops, Either admit me again to penance, or allow me to be desperate, and to commit all manner of wickedness which is in my power, and which brings me not within the reach of human laws; or if you will not indulge me in this, inform me at least whether, upon my contempt of this world, with all its allurements; upon a severe restraint and check of my passions; upon the assiduity of my prayers, and alms, and tears, I shall be able, ever a whit, to better my future condition? Which of us all would here be so mad as to discourage such a man from his good purposes, or allow him in his indulgences to a sensual life? Therefore, though it be a wise and wholesome appointment of the Church to allow but once the benefits of solemn penance, lest it should bring contempt upon the medicine, and so should render it the less beneficial; yet who will thence venture to say to God, Why dost Thou yet spare the man who, after having been once admitted to pardon, involves himself afresh in the guilt of sin?"<sup>3</sup>

<sup>1</sup> See him cited in p. 60, note 1.

<sup>2</sup> See him cited in p. 61, note 1.

<sup>3</sup> In tantum autem hominum aliquando iniquitas progreditur, ut etiam post actam pœnitentiam, post altaris reconciliationem, vel similia vel graviora committant; et tamen Deus facit etiam

super tales oriri solem suum; nec minus tribuit quam ante tribuebat largissima munera vitæ ac salutis. Et quamvis eis in Ecclesia locus humillimæ pœnitentiæ non concedatur; Deus tamen super eos suæ patientiæ non obliviscitur. Ex quorum numero si quis nobis dicat; Aut date

This is so full to our purpose, that it needs no comment, and accordingly I shall leave it with my reader to make his own upon it.

When the concurrence, therefore, was in this point so general, Socrates<sup>1</sup> might well set a brand upon Chrysostom for flying in the face of it, and for encouraging his people to expect admission to penance *toties quoties*, as often as they should offend. For though much of this discipline was intrusted to the Bishops with a discretionary power, yet where one and the same rule of administration was universally agreed to, it did not look so well in any single Bishop to depart from it, and to set up his own particular against the general practice of all his colleagues.

I have now, as briefly as I could, represented to my reader what were the constituent parts of the old Penitential Discipline, and have endeavoured to support the account I have given of each with its proper vouchers.

If in any thing I have either misled him, or shall prove to be myself mistaken, no one shall be more ready to retract the error, nor to beg his excuse for having drawn him into it.

I would only bespeak the forbearance of those who have

mihi eundem iterum pœnitendi locum, aut desperatum me permittite, ut faciam quidquid libuerit, quantum meis opibus adjuvor, et humanis legibus non prohibeor; in scortis omnique luxuria, dam-nabili quidem apud Dominum, sed apud homines plerosque etiam laudabili. Aut si me ab hac nequitia revocatis, dicite utrum mihi aliquid prosit ad vitam futu-ram, si in ista vita illecebrossimæ volu-ptatis blandimenta contempsero, si libidinum incitamenta frænauero, si ad castigandum corpus meum multa mihi etiam licita et concessa subtraxero, si me pœnitendo vehementius quam prius ex-cruciavero, si miserabilius ingemuero, si flevero uberius, si vixero melius, si pau-peres sustentauero largius, si caritate, quæ operit multitudinem peccatorum, flagraueram ardentius; quis nostrum ita desipit, ut huic homini dicat, Nihil tibi

ista proderunt in posterum; vade saltem, vitæ hujus suavitate perfruere? Avertat Deus tam immanem sacrilegamque de-mentiam! Quamvis ergo caute salubriterque provisum sit, ut locus illius hu-millimæ pœnitentiæ semel in Ecclesia concedatur, ne medicina vilis minus utilis esset ægrotis, quæ tanto magis salubris est, quanto minus contemptibilis fuerit: Quis tamen audeat dicere Deo, Quare huic homini, qui post primam pœnitentiam rursus se laqueis iniquitatis ob-stringit, adhuc iterum parcis?—August. in Epist. ad Macedonium, [No. 153, § 7, vol. ii. p. 399. Ed. Bened.]

<sup>1</sup> Μᾶς γὰρ μετὰ τὸ βάπτισμα παρὰ τῆς συνόδου τῶν ἐπισκόπων μετανοίας τοῖς ἡπταικόσι δοθείσης, αὐτὸς ἀπετόλμῃσιν εἰπεῖν, χιλιάκις μετανοήσας εἰσελθεῖ.—Socrat. in Histor. lib. vi. cap. 21.

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not yet thought fit to travail so far as I have done into this argument, that they would not too severely animadvert upon any little oversight; nor too hastily censure what, as yet, they may not have enough considered.

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## PART II.

The question which lies next before us to be discussed, relates, first, to the crimes for which this discipline was inflicted; and, secondly, to the hands with which the ministration or execution of it was intrusted.

### SECTION I.—*Of the Crimes for which this Discipline was inflicted.*

Now, for such as were privately confessed, the Penitentiary,<sup>1</sup> we have seen, was to judge, whether it would be fit to acknowledge them, and to do penance for them in the face of the Church.

But such as gave public scandal were, I conceive, in the design of the institution, the chief objects of this discipline, though what were either privately confessed, or came to the notice of the Ecclesiastical judge by information from others, did likewise fall under its cognizance, as well as the more scandalous and notorious crimes.

The reader will observe from the Canonical Epistle of Gregory Nyssen<sup>2</sup> (which contains indeed an abridgement of the discipline in his age obtaining), how sins were ranged, into what classes divided, and how they fell under judicial notice.

They were generally reduced to three common topics, and, under these, all, or most offences, were ranged, which were thought necessary to be expiated by public penance.

<sup>1</sup> See Basil. Canonic. Epist. to Amphilochius, Can. 34, where some crimes were concealed, to avoid the mischief which might attend the publication of them, cited in p. 55, note 1, as likewise what is cited from Origen, in pp. 33-35,

note 1. Si intellexerit et præviderit talem esse languorem tuum, qui in conventu totius Ecclesiæ exponi debeat et curari.

<sup>2</sup> See it translated in the Appendix, No. 1.



For as to other crimes, the daily sacrifice of prayer, joined with more circumspection for the future, was thought a sufficient cure for them.

“Some sins,”<sup>1</sup> saith Ambrose, “may be released by mere supplication to God in that petition of our daily prayer, Forgive us our debts, as we forgive our debtors.”

Pacian,<sup>2</sup> in like manner, tells us, that “other sins were cured by a due diligence in better practice; but that these three great and capital offences were to be dreaded as the blast of a basilisk, or as a cup of poison, or as a deadly wound.”

In short, as Augustine hath observed,<sup>3</sup> “the sins from which no man’s life was or could, in our present state, be exempted,” in other words, the sins of mere surprise and frailty, were allowed to pass without discipline or censure; but every crime which gave scandal, and was esteemed as an instance of deliberate and wilful guilt; every deadly sin, which, excluded from heaven, had its bond upon earth, and fell under public cognizance, when any way proved, either by the confession of the party or by other evidence.

In every species of mortal sin, as well as in each instance wherein it was committed, there was, doubtless, a just distinction founded, in regard both to the nature and quality of the offence itself, and to the inducements and circumstances from whence it sprung, and wherewith it was clothed. And these had due consideration severally allowed them, in the extent and measure of the discipline assigned them. But the distinction framed by Morinus,<sup>4</sup> between mortal sins of a more or less heinous nature, the one of which he would suggest to have been the object of private and Sacramental, as the other of public and Canonical penance; this was entirely a fiction of modern standing, and invented for the support of the modern practice in the Roman Church, since

<sup>1</sup> Si alia peccata habuerit, quæ quotidie dimittantur in oratione dicenti, Dimitte nobis debita nostra, sicut et nos dimittimus debitoribus nostris.—Ambros. in Exhort. ad Pœnitent.

<sup>2</sup> Reliqua peccata meliorum operum compensatione curantur; hæc vero tria crimina, ut basilisci alicujus afflatus, ut veneni calix, ut letalis arundo, metuenda

sunt.—Pacian. in Parænes. ad Pœnitent. [§ 4.]

<sup>3</sup> De quotidianis autem brevibus levibusque peccatis, sine quibus hæc vita non ducitur, quotidiana oratio fidelium satisfacit.—August. in Enchirid. ad Laurentin. [§ 71, vol. vi. p. 163. Ed. Bened.]

<sup>4</sup> Vide Morin. de Pœnitent. lib. i. cap. 10, § 12, cited in p. 69, note 2.

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antiquity is altogether a stranger to it, as well as to the practice, in aid of which it was invented.

The crimes, then, for which penance was assigned to the party who had committed them, fell under one of these three denominations, or else were reducible to one of these, viz. uncleanness, idolatry, and bloodshed;<sup>1</sup> and these did, indeed, very aptly point to the three great branches of duty respecting God, our neighbour, and ourselves.

Some Churches, it must be owned, there were of ancient standing, which denied to one or other of these offences the privilege of penance, or, at least, of reconciliation; witness what we find determined in various canons of the Council of Eliberis<sup>2</sup> (which was celebrated, in all likelihood, before the Diocletian persecution), whereby two of the three great crimes did utterly debar the offenders from Communion to the end of their lives; though, as to the third, viz. that of uncleanness, some distinction was made in the kinds of it, as may be seen from the twelfth, thirteenth, fourteenth, and seventy-first canons of the aforementioned Council.<sup>3</sup>

St. Cyprian mentions the like severity in some of his predecessors, as to the case of uncleanness, though he seems to think that they had no general concurrence with them in such their opinion. He observes, however, that this diversity of sentiment made no rupture, but that those who allowed, and those who disallowed, of Communion in such cases, bore with each other, and did not, through the obstinacy of their

<sup>1</sup> *Mœchia, idololatria, et homicidium.*

<sup>2</sup> *Placuit ut quicumque post fidem Baptismi salutaris, adulta ætate, ad templum idololatraturus accesserit, et fecerit quod est crimen capitale (quia est summum scelus), nec in fine eum communionem accipere.—In Concil. Eliber. can. 1. [Hardouin. i. p. 249.]*

*Delator si quis extiterit fidelis, et per delationem ejus aliquis fuerit proscriptus vel interfectus, placuit eum nec in fine accipere communionem.—Ibid. in can. 73. [Ibid. p. 257.]*

<sup>3</sup> *Mater vel parens, vel quælibet fidelis, si lenocinium exercuerit, eo quod alienum vendiderit corpus, vel potius suum, placuit eas nec in fine accipere communionem.—Ibid. in can. 12. [Ibid. p. 251.]*

*Virgines quæ se Deo dicaverint, si pactum perdiderint virginitatis, atque eidem libidini servierint, non intelligentes quid amiserint, placuit nec in fine eis dandam esse communionem. Quod si semel persuasæ, aut infirmi corporis lapsu vitiatæ, omni tempore vitæ suæ egerint pœnitentiam, placuit eas in fine communionem accipere debere.—Ibid. in can. 13. [Ibid.]*

*Virgines quæ virginitatem suam non custodierint, si eosdem qui eas violaverint, acceperint et invenerint maritos, post annum sine pœnitentia reconciliari debent.—Ibid. in can. 14. [Ibid.]*

*Stupratoribus puerorum nec in fine dandam esse communionem.—Ibid. in can. 71. [Ibid. p. 257.]*

different apprehensions, disturb the peace or break the unity of the Church.<sup>1</sup>

They did not, like Novatus, deny the power of the Church to forgive even in these cases; although, for discipline's sake, they did not think fit in certain instances to use that power; so that where this rigour obtained, it was not through an apprehension (as Augustin speaks in a like example) that the facts themselves were unpardonable, but from the severity of the then prevailing discipline.<sup>2</sup>

In the Council of Ancyra, held not long after that of Eliberis, viz. in or about the year 315, the case was apparently much altered, and Communion was granted after penance to those very crimes in which the Council of Eliberis had a little before denied it. Nay, it was granted to those crimes in their very worst aggravations.<sup>3</sup> To such, for instance, as had not only sacrificed to idols in their own persons, but had been instrumental, likewise, in compelling others to do so too;<sup>4</sup> to such as should offend in the most enormous acts of uncleanness; and even to such as should commit wilful murder, it allows Communion in their last moments.

So that Communion doth never appear to have been so generally denied, even in these three cases, as Sirmondus,<sup>5</sup> with some other learned men, hath thought.

Tertullian not only allows, but objects the fact, when yet, as a Montanist, he disputes the right by the Church then claimed, to remit even these, the most heinous of all offences.

<sup>1</sup> Apud antecessores nostros quidam de Episcopis istic in provincia nostra dandam pacem mœchis non putaverunt, et in totum penitentiae locum contra adulteria clausurunt; non tamen a coepiscoporum suorum collegio recesserunt, aut Catholicae Ecclesiae unitatem vel duritiæ vel censuræ suæ obstinatione ruperunt, ut quia apud alios adulteris pax dabatur, qui non dabat de Ecclesia separaretur.—Cyprian. in Epist. ad Antonian. [No. 55. Fell. p. 110.]

<sup>2</sup> Non desperatione indulgentiæ, sed rigore factum est disciplinæ.—August. in Epist. ad Bonifac. No. 50. [Ed. Bened. Antw. p. 503.]

<sup>3</sup> 'Ο μὴ μόνον ἱεραγισίας τιθυκώς, ἀλλὰ καὶ ἴτερον ἀναγκάσας δικαιοσύνην ὑποποιεῖν. — In Synod. Ancyran. can. 9. [V. Hardouin. tom. i. p. 279.]

<sup>4</sup> Περὶ τῶν ἀλογισμαίνων, ἣ καὶ ἀλογισμίων ὅσοι πρὶν εἰκοσαιτιῶς γινίσθαι, ἤμαρτον . . . ἐξισταζίσθω αὐτῶν καὶ ὁ ἐν τῇ ὑποπτώσει βίος, καὶ οὕτως συγχανῆτωσαν τῆς φιλανθρωπίας.—Ibid. in can. 16.

Περὶ ἱουσιῶν φόνων, ὑποπτιτῆσαν μὲν, τοῦ δὲ τελίου ἐν τῇ τέλει τοῦ βίου καταξιούσθωσαν.—Ibid. in can. [22. Hardouin.]

<sup>5</sup> Vide Sirmond. Opuscul. tom. iii. Histor. Pœnitent. public. cap. 1.

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“You will forgive,” says he, “the idolater and the apostate, because you find, forsooth, the people of Israel were forgiven after they had been so. In like manner you will pardon bloodshed, because Ahab found mercy, after spilling that of Naboth; and because David, by confessing his guilt, when he had joined adultery to murder in the affair of Uriah, had his sin blotted out. Thus, also, from the examples of Lot and Judah, you will plead precedents for remitting the sins of incest and fornication, and of marriage obtained by a vile prostitution.”<sup>1</sup>

He rehearses here, and objects, to the Church her allowance of reconciliation to the three great crimes; so that there can be no doubt of their being in his time and country admitted to it.

The Apostolical Canons<sup>2</sup> are very clear in the case, and appoint the Bishop or Presbyter to be degraded, who should refuse to receive a penitent, without naming or suggesting any reserved case, wherein they should not receive him. They assign such Clergymen to segregation, as through fear of temporal inconveniences should deny the Name of Christ, and admit them, upon their repentance, to lay-communion. The Canon preceding, hath “forbidden any person being ever promoted to the Clerical order who should be accused and convicted of adultery, fornication, or of any the like prohibited enormities. A needless prohibition, surely, had those crimes debarred the party convict from all approaches to lay-communion for his whole life; since there could have been no danger, and therefore, upon this supposal, no need of caution, that such should ever have risen to the order of Clergy, who stood restrained from all approaches to lay-communion.

<sup>1</sup> Dabis ergo idololatræ et omni apostatæ veniam, quia et populum ipsum, totiens reum istorum, totiens invenimus retro restitutum. Communicabis et homicidæ, quia et Nabuthæ sanguinem Achab deprecatione delenit; et David Uriæ cædem tum causam ejus mœchiam confessione purgavit. Jam et incesta donabis propter Loth, et fornicationes eum incesto, propter Judam, et turpes de prostitutione nuptias.—Tertull. de Pudicit. cap. 6.

<sup>2</sup> Εἴ τις ἐπίσκοπος, ἢ πρεσβύτερος, τὸν ἐπιστρέφοντα ἀπὸ ἀμαρτίας οὐ προσδέχεται, ἀλλ' ἀποβάλλεται, καθαιρεῖσθω.—In Canon. Apostol. Can. 44.

Εἴ τις κληρικὸς διὰ φόβον ἀνθρώπων ἀρνήσεται τὸ ὄνομα τοῦ Χριστοῦ, ἀφοριεῖσθω.—Ibid. in Can. 54.

Εἴ τις κατηγορεῖται γίνεσθαι κατὰ πίστος, πορνείας, ἢ μοιχείας, ἢ ἄλλης τινὸς ἀπηγορευομένης πράξεως, καὶ ἐλεγχθῇ, εἰς κληρὸν μὴ προαγείσθω.—Ibid. in Can. 53.



What hath been cited from St. Irenæus,<sup>1</sup> in the third section of the preceding chapter, clearly evidences, that two of these three great offences (viz. those of uncleanness and apostasy) were in his time admitted to public penance. For such was indeed the complicated crime, both of the Deacon's wife, and of the other women there mentioned, as seduced by Marcus. But then it must be owned, that he gives no express account of their reconciliation ; though, where he imputes their being neither directly in the Church, nor yet quite out of it, to their irresolution and wavering in their submission to discipline, he seems to intimate, that if they had not been so wavering and irresolute, they might have been restored.

Gregory, surnamed Thaumaturgus,<sup>2</sup> hath written a Canonical Epistle, in the seventh Canon of which, as ranged by our late most learned and pious Bishop Beveridge, he hath left it to the discretion of the parties "concerned in the reconciliation of murderers, whether they should be restored or not ;" and yet by his manner of expression it should seem that he was himself inclinable to the merciful side. "They were to have no access, till somewhat should be determined in common concerning them." The case was, of such as had been instrumental to the death of their brethren, upon the incursions of the barbarians. And this point was to be settled when peace was restored to the churches, which had been thus disturbed by them.

St. Cyprian<sup>3</sup> was so clear in the case of those who had lapsed into idolatry during the rage of persecutions, that there can be no doubt of his opinion in that matter. And though we do not find him so express upon the two other crimes, yet from what hath been cited out of him, where he mentions the practice of some of his predecessors, with a note of their having differed from the usage of his own time, for that they did not allow of reconciliation to the sin of uncleanness, I think we may fairly gather that it was his

<sup>1</sup> See what is cited from St. Irenæus, in p. 25, note 2 ; p. 26, notes 1, 2.

<sup>2</sup> Ἐκκαρθερωθέντας δὲ ὡς καὶ φονεύειν τοὺς ἰμοφύλους ἢ ξύλῳ, ἢ ἀγχόνῃ, ὑποδεικνύναι δὲ ἢ ἑδῶς ἢ οἰκίας ἀγνοοῦσι τοῖς

βάρεσσι, καὶ τῆς ἀπροσώπως ἀπιῖν καὶ δεῖ, μέχρις ἂν κοινῇ περὶ αὐτῶν τὸ δέξῃ.—Gregor. Thaumaturg. Canonic. Epist. Can. 7.

<sup>3</sup> See him cited in p. 87, note 1.

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own usage to allow it. It is, moreover, certain that he looked upon faults<sup>1</sup> which were not committed directly against God to be of a lower class, and of a less heinous nature, than others in which the honour of God was more immediately concerned. So did Gregory Nyssen after him.<sup>2</sup> If, therefore, the more heinous were remitted, we may well conclude that the less heinous were not then esteemed irremissible.

Ambrose<sup>3</sup> speaks fully to our present purpose, where he tells the Novatians that "if they had only excepted one single crime from pardon, however in this they might have determined harshly, and would have contradicted the Scriptures by such an assertion, yet would they have been consistent with themselves in it. For that God, indeed, had excepted no crime from pardon, but had extended alike His forgiveness to all the instances of sin."

Whatever, then, might be the opinion or the practice of a few particular Churches, the general usage, as far as we can trace it, seems to have allowed Communion to all sins, upon a due submission to the penance assigned them. And the three which have been mentioned were so far from being excepted out of this pardon, that they only, or such as were reducible to them by way of a just analogy, were esteemed to want and to require it.

We have seen from Pacian, that other sins, except these three, were thought in his time sufficiently expiated by a future diligence in good works.<sup>4</sup>

But then, indeed, all the sins of the flesh which were committed with any sort of deliberation were reduced to the head of *Mæchia*, as those against God were to that of Idolatry, and those against society to that of Homicide.

So that, from these three roots, there arose numerous

<sup>1</sup> In minoribus delictis quæ non in Dominum committuntur, pœnitentia agitur justo tempore . . . quanto magis in his gravissimis et extremis delictis!—Cyprian. in Epist. [17. Fell. p. 39.]

<sup>2</sup> See Gregory's Canonic. Epist. in Append. No. 1.

<sup>3</sup> Si unum tantum crimen exciperent,

dure quidem, sed tamen divinis tantum redargui viderentur sententiis, adsertionibus tamen suis convenirent. Dominus enim crimen nullum excepit, qui peccata donavit omnia.—Ambros. de Pœnitent. lib. i. cap. [2, p. 391. Ed. Bened.]

<sup>4</sup> See him cited in p. 85, note 2.

branches of sin, to be expiated by public penance, wherever there was any aggravation to raise the fact above common frailty.

Augustin would have all resort to the Bishop for public penance, who had whereof to accuse themselves in any of the instances named by the Apostle as sins of the flesh: Gal. v. 20, such as "adultery, fornication, uncleanness, lasciviousness, idolatry, witchcraft, hatred, variance, emulations, wrath, strife, seditions, heresies, envyings, murders, drunkenness, revellings, and such like."<sup>1</sup>

In short, it was the endeavour of the Church, as Origen tells us, that, as far as might be, her assemblies should consist of none but of discreet and sober members; and, therefore, such as acted unsuitably to that character, and were known to do so, had a mark set upon them by public censure, under which they continued, till their reformation was as visible as their offence had been.<sup>2</sup>

There now remains but one thing farther to be considered in this chapter, which we will proceed to discuss in the following section.

## SECTION II.—*In whose hands the Ministration or Execution of this Discipline was lodged?*

To this question the answer is short and clear, that the Bishop was the person intrusted with it; that his powers were discretionary, as the various practices of various Churches sufficiently prove, and that all authority in these matters was originally derived from him, whoever might occasionally be allowed to exercise it under him.

St. Ignatius hath divers passages, declaring the great

<sup>1</sup> Judicet ergo seipsum homo in istis voluntate dum potest; et mores convertat in melius; ne cum jam non poterit, etiam præter voluntatem a Domino judicetur. Et cum in se protulerit severissimæ medicinæ sententiam, veniat ad Antistites, per quos illi in Ecclesia claves ministrantur; et tanquam bonus jam incipiens esse filius, maternorum membrorum ordine custodito, a præpositis Sacramentorum accipiat satisfactionis suæ modum;

ut in offerendo sacrificio cordis contribulati devotus et supplex id tamen agat, quod non solum illi prosit ad recipiendam salutem, sed etiam cæteris ad exemplum.—Augustin. in Homil. ult. ex. 50, [p. 947, vol. v. Ed. Bened.]

<sup>2</sup> Ἡμεῖς γὰρ, ὅση δύναμις, πάντα πράττομεν, ὑπὲρ τῶν φρονίμων ἀνδρῶν γινίσθαι τὸν σύλλογον ἡμῶν.—Origen. contra Celsum, lib. iii. [Ed. Bened. tom. i. p. 482.]

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authority of the Bishop in this and every other matter relating to the Church of Christ.

“God,” says he, “extends His pardon to all penitents, if they come with one accord into the unity of Christ, and into the same consistory with the Bishop; for whoever do really belong to Christ, are in fellowship and Communion with the Bishop; but whoever depart from him, and join with the children of perdition, shall be cut off from the body of Christ.”<sup>1</sup> Again, “It is fit we should walk more circumspectly for the future; and whilst we have time we should turn to God by repentance: we then are safe, when we recognise God, and His Minister the Bishop [in this solemn action]. He that honours the Bishop shall be honoured by God. He that doth any thing clandestinely without the Bishop serves the Devil.” Again,

“Let no one presume to do any thing in Church matters separately from the Bishop. Let that be esteemed a firm and valid Eucharistical sacrifice, which is performed either by the Bishop himself, or by persons in commission from him. It is not lawful to baptize, nor to celebrate the holy Communion, separately from the Bishop” [or without his authority].

What Tertullian hath observed of Baptism and its Minister, that the Chief Priest, or Bishop, had the sole power of it vested in him, and that it was derived from him to others;<sup>2</sup> the same (we shall be informed elsewhere) belongs to the Bishop in the case of Penance; and though St. Cyprian allowed some agency in it to Deacons in cases of necessity, yet he and others will agree in ascribing to the

<sup>1</sup> Πᾶσιν οὖν [τοῖς] Μετανοοῦσιν ἄφίει ὁ Θεός, μετανοήσασιν εἰς ἐνόητα Θεοῦ, καὶ συνῆριον τοῦ ἐπισκόπου· ὅσοι γὰρ Θεοῦ εἰσὶν καὶ Ἰησοῦ Χριστοῦ οὗτοι μετὰ τοῦ ἐπισκόπου· [ὅσοι δὲ ἂν ἐκκλίνωσιν αὐτοῦ, καὶ τὴν κοινωνίαν ἀσπάσωνται μετὰ τῶν κατηγορουμένων, οὗτοι σὺν αὐτοῖς ἐκκοπήσονται.] —Ignat. ad Philadelph. [§ 8, 3. The last clause not there.]

Εὐλογόν ἐστιν λοιπὸν ἀναγῆψαι, καὶ ὡς ἔτι καιρὸν ἔχομεν εἰς Θεὸν μετανοεῖν· καλῶς ἔχει Θεὸν καὶ ἐπίσκοπον εἰδέναι· ὁ τιμῶν ἐπίσκοπον ὑπὸ Θεοῦ τετίμηται· ὁ λάθρα ἐπισκοποῦ τί πράσσω, τῷ Διὰ δόλῳ

λατρεύει.—§ 9. . . . Μηδεὶς χωρὶς τοῦ ἐπισκόπου τί πράσσει· τῶν ἀνηκόντων εἰς τὴν ἐκκλησίαν· ἐκείνη βέβαια εὐχαριστία ἡγείσθω, ἥ ὑπὸ τὸν ἐπίσκοπον οὔσα, ἥ ᾧ ἂν αὐτὸς ἐπιτερίψῃ . . . οὐκ ἔξον ἐστιν χωρὶς τοῦ ἐπισκόπου οὔτε βαπτίζειν οὔτε ἀγάπην ποιεῖν.—§ 8, in Epist. ad Smyrn. ibid.

<sup>2</sup> Dandi quidem (Baptismum) habet jus summus sacerdos qui est Episcopus: Dehinc Presbyteri et Diaconi, non tamen sine Episcopi autoritate.—Tertull. de Baptismo, [c. 17.]



Bishop, the original and fountain of all Ecclesiastical authority.<sup>1</sup>

Tertullian, where he ridicules the action, yet speaks of it plainly as performed by the Bishop;<sup>2</sup> and the Council of Eliberis expressly reserves it to him, or to his order and appointment;<sup>3</sup> in the steps of which, the second Council of Carthage exactly treads, where “the Presbyter, who, in the Bishop’s absence, should be permitted to reconcile a penitent in danger of death, was yet to consult the Bishop upon it, to acquaint him with the case in its several circumstances, and thereupon to receive his directions.”<sup>4</sup>

But St. Cyprian will give us in this matter the clearest and the fullest evidence; he will shew us, that whatever regard he might sometimes pay to the tickets of Martyrs or Confessors, or to the intercessions of the people, or to the council and authority of his Presbyters, yet that the full power and authoritative determination he took to be solely in himself. He decides the case by himself, about which his Presbyters and Deacons had wrote to him in his absence, as to the reconciliation of the lapsed in time of persecution. He pays, indeed, a very great regard to the intercessions of Martyrs, and grants to those who had obtained tickets from them an earlier restoration than to the rest who had none. But still he talks like a person who would, indeed, advise with his Clergy, and pay some regard to his people, and yet would, at last, determine what he should find in his own judgment, to be most expedient.

His Presbyters had written to him for a rule to proceed by, and he clearly, by himself, determines, that such as

<sup>1</sup> Si Presbyter repertus non fuerit, et urgere exitus cœperit, apud Diaconum quoque Exhomologesin facere delicti sui possint; ut manu eis in penitentia imposita veniant ad Dominum cum pace.—Cyprian. in Epist. [18. Fell. p. 40.]

<sup>2</sup> Inque eum hominis exitum quantis potes misericordiæ inlecebris bonus Pastor, et Benedictus Papa concionaris.—Tertull. de Pudicit. cap. 13.

<sup>3</sup> Apud Presbyterum, si quis gravi lapsu in ruinam mortis incidit, placuit agere penitentiam non debere, sed po-

tius apud Episcopum: cogente tamen infirmitate, necesse est Presbyterum communionem præstare debere, et Diaconum si ei jusserit Episcopus.—In Concil. Eliber. Can. 32. [Hard. tom. i. p. 253.]

<sup>4</sup> Si quisquam in periculo fuerit constitutus, et se reconciliari divinis altaribus petierit, si Episcopus absens fuerit, debet utique Presbyter consulere Episcopum, et sic periclitantem ejus præcepto reconciliare.—In Concil. Carthag. ii. Can 4. [Hardouin. tom. i. p. 952.]

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could produce tickets from the Martyrs, should be received immediately upon their penitential submissions, and that the rest should stay until it should please God to restore public peace to the Church.<sup>1</sup>

This was a way of proceeding, which evidently declared him to have been master of the case, and to have had, in himself, the sole power of deciding it. We may infer the same from his complaint to Cornelius, "of the envy and odium he had contracted, by admitting some persons to Communion against the consent and will of his people, who had proved afterwards incorrigible, and broken the promises they had made to him of reformation."<sup>2</sup> He speaks all along like a man who was to govern that whole affair, though he would be determined in it by various motives, and by persuasions from others, if they should appear to him to be reasonable. It was fit, indeed, that in cases of scandal, wherein the community might be interested, the community should be consulted; yet so, as not always to be allowed a negative.<sup>3</sup> From what hath here been cited, we may observe, that St. Cyprian admitted some to Communion

<sup>1</sup> Quoniam tamen significastis quosdam immoderatos esse, et communicationem accipiendam festinanter urgere; et desiderastis in hac re formam a me vobis dari, satis plene scripsisse me ad hanc rem proximis literis ad vos factis credo; ut qui libellum a Martyribus acceperunt, et auxilio eorum adjuvari apud Dominum in delictis suis possunt, si premi infirmitate aliqua et periculo cœperint, Exhomologesi facta, et manu eis a vobis in pœnitentia imposita, cum pace a Martyribus sibi promissa ad Dominum remittantur. Cæteri vero qui nullo libello a Martyribus accepto invdiam faciunt; quoniam non paucorum, nec Ecclesiæ unius aut unius provinciæ, sed totius orbis hæc causa est, expectent de Domini protectione Ecclesiæ ipsius publicam pacem.—Cyprian. ad Cornelium. Epist. No. [19. Fell. p. 41.]

<sup>2</sup> Quibusdam enim aut crimina sua ita obstant, aut fratres obstinate et firmiter renitentur, ut recipi omnino non possint, cum scandalo et periculo plurimorum. Neque enim sic putamina quæ-

dam colligenda sunt, ut quæ integra et sana sunt vulnerentur, nec utilis aut consultus est Pastor qui ita morbidas et contactas oves gregi admiscet, ut gregem totum mali coherentis afflictatione contaminet. O! si posses, frater carissime, istic interesse nobiscum, cum pravi isti et perversi de schismate revertuntur! videres quis mihi labor sit, persuadere patientiam fratribus nostris, ut animi dolore sopito recipiendis malis curandisque consentiant . . . vix plebi persuadeo, imo extorqueo ut tales patiantur admitti; et justior factus est fraternitatis dolor, ex eo quod unus atque alius obnitente plebe et contradicente, mea tamen facilitate suscepti, pejores extiterunt quam prius fuerant; nec fidem pœnitentiæ servare potuerunt, quia nec cum vera pœnitentia venerant.—Cyprian. in Epist. ad Cornelium. [Ep. 59. Fell. p. 137.]

<sup>3</sup> A primordio Episcopatus mei statuerim nihil sine consilio vestro, et sine consensu plebis, mea privatim sententia gerere.—Cyprian. in Epist. 5.

without and against the consent of his people; to whose opinion and request he was, however, in the main, desirous of paying all possible observance.

He expostulates, in his seventeenth Epistle, upon the dishonour he received, and the affront which was cast upon his office, by such Presbyters as had presumed to reconcile certain offenders without his concurrence.<sup>1</sup> He charges them with forgetting the rules of the Gospel, as well as the honour of his Chair; since, as he insists in the preceding letter, it ought not to have been done until he could have met his Clergy, and have concerted the case with them.<sup>2</sup>

Accordingly we find one Caldonius, a Presbyter of his, consulting him upon the point of reconciling offenders, as one who would not presume to do it without his Bishop;<sup>3</sup> and St. Cyprian, in his answer, commends his conduct.<sup>4</sup>

Indeed, the whole strain of that glorious Martyr's epistles, does so clearly and fully assert the Bishop's authority in that affair, and the necessity of waiting for his determination, let Presbyters, or people, or Martyrs, or Confessors, interpose with never so much vehemence, that there is no room to doubt either of his opinion in it, or of the practice which prevailed in the age he lived in.

He was for paying them all as much deference as he could; but ever with a salvo to the honour of his Chair. "It is our business," says he to Pope Stephanus, "who are governors of the Church, to look to its discipline."<sup>5</sup>

The Constitutions are all directed to the Bishop, and do suppose him the chief Ecclesiastical officer in all the business of the Church.

"Let the Bishop," say they, "superintend over all." They

<sup>1</sup> Audio quosdam de Presbyteris nec Evangelii memores . . . nec Episcopo honorem sacerdotii sui, et cathedræ reservantes, jam cum lapsis communicare cœpisse.—Cyprian. in Epist. [17. Fell. p. 19.]

<sup>2</sup> Cum persecutione finita convenire in unum cum clero, et recolligi cœperimus.—Ibid. in Epist. [15. Fell. p. 33.]

<sup>3</sup> Quamvis mihi videantur debere pacem accipere, tamen ad consultum vestrum eos dimisi, ne videar aliquid te-

mere præsumere.—Caldonius Cypriano, in Epist. No. [24. Fell. p. 50.] apud Cyprian.

<sup>4</sup> Accepimus literas tuas satis sobrias . . . caute omnia et consulte geras.—Cyprian. in Respons. ad prior. Epist. No. [25. Fell. p. 50.]

<sup>5</sup> Cui rei nostrum est consulere, et subvenire, frater carissime, qui . . . Gubernandæ Ecclesiæ libram tenentes, censuram vigoris peccatoribus exhibemus.—Ibid. in Epist. [68. Fell. p. 176.]

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exhort him, moreover, to consider his own dignity, as one intrusted with the power of binding and loosing.<sup>1</sup> He is the person blamed by them for neglecting to separate offenders, as thereby infecting his whole Diocese.<sup>2</sup> All manifest and full assertions of his sole authority, which extended in those days much further than will easily in these be allowed or credited by the libertines and sceptics of the present generation.

“You sustain,” say they, “O Bishop, the place and character of God amongst men, as presiding over all, over Priests, kings, princes, &c. who all are subject to you” [in things pertaining to God]. “Do you, therefore, so maintain your dignity and station in the Church, so speak and so act, as one who are appointed to sit in judgment upon offenders. Since to you Bishops it is said, ‘Whatsoever ye shall bind on earth, shall be bound in Heaven; and whatsoever ye shall loose on earth, shall be loosed in Heaven.’”<sup>3</sup>

The first Council of Arles, held before the great Nicene Council, hath given a power to Bishops over the *Præsides Provinciarum*, who in their respective provinces sustained the character of lords lieutenants; “but yet were subject themselves to Episcopal correction, whenever they should so act as to deserve it.”<sup>4</sup> And inasmuch as it was usual with these to be sent either from the Imperial City, or from divers parts of the empire, to places in which they came strangers; they could not be admitted to Communion, in the place they came to as governors, without bringing from the Bishop of the place they left, letters of Communion, which in those

<sup>1</sup> Πάντων οὖν φροντίζετω ὁ ἐπισκοπος . . . Γνώριζε οὖν, ὃ ἐπίσκοπε, τὸ ἀξίωμα σου, ὅτι ὡς τοῦ δεσμεῖν ἐκκληρώσω τὴν ἐξουσίαν, οὕτω καὶ τοῦ λύειν.—Apostol. Constitut. lib. ii. cap. 18.

<sup>2</sup> Οὗτος ἐξεβήλωσε καὶ τὴν οἰκίαν ἀξίαν, καὶ τὴν τοῦ Θεοῦ ἐκκλησίαν, τὴν κατὰ τὴν παροικίαν αὐτοῦ.—Ibid. in cap. 10.

<sup>3</sup> Γνωρίζων, ὃ ἐπίσκοπε, τὸν τρόπον σου καὶ τὴν ἀξίαν, ὡς Θεοῦ τύπον ἔχων ἐν ἀνθρώποις, τῷ πάντων ἄρχειν ἀνθρώπων ἱερῶν, βασιλείων, ἀρχόντων . . . καὶ οὕτως ἐν ἐκκλησίᾳ καθέξου τὸν λόγον ποιούμενος, ὡς ἐξουσίαν ἔχων κρίνειν τοὺς ἡμαρτηκότας· ὅτι ὑμῖν τοῖς ἐπισκόποις

ἐρηται· ὁ ἐὰν δήσητε ἐπὶ τῆς γῆς, ἔσται δεδεμένος ἐν τῷ οὐρανῷ· καὶ ὁ ἐὰν λύσητε ἐπὶ τῆς γῆς ἔσται λελυμένος ἐν τῷ οὐρανῷ.—Apostol. Constitut. lib. ii. cap. 11.

<sup>4</sup> De præsidentibus qui fideles ad præsdatum prosiliunt, placuit et cum promoti fuerint, litteras accipiant Ecclesiasticas communicatorias; ita tamen ut in quibuscunque locis gesserint, ab Episcopo ejusdem loci cura de illis agatur; et cum cœperint contra disciplinam agere, tum demum a communione excludantur.—In Concil. Arelat. i. Can. 7. [Hardouin. tom. i. p. 264.]



days was the known way of receiving strangers who came out of one Diocese into another); and then the Bishop of the Diocese they removed to was to look afterwards into their manner of life and behaviour.

Nay, to carry this point yet farther, Theodosius himself, though an absolute monarch, held himself bound to receive Episcopal correction, and to abstain from Communion until he had duly humbled himself for the offence he had committed in his cruel devastation of Thessalonica.<sup>1</sup>

Ambrose resolutely withstood his admission to the Church, and the Emperor was content to wait until his humiliation had softened the Bishop, and disposed him to absolve the royal penitent.

From this, as from a well-known fact, Augustin takes a very pertinent occasion of arguing the point with such as through a false modesty should refuse submission to the penance assigned them.

"Perhaps," says he, "for this very reason, God, in His wise Providence, did so order things that Theodosius the Emperor should do public penance in the face of the Church (since his crime was public, and could not be concealed), that no man, for the future, might through shame decline a submission to it. For shall a senator decline submission to a discipline, which an emperor thought himself obliged to bend to? Shall one, who is under the degree of a senator, plead bashfulness against coming under that correction, which an emperor did not account himself too high to come under? Much more shall every trader, or vile mechanic, be too big and lofty for that humiliation which an emperor, in all his grandeur, thought it best to condescend to?"<sup>2</sup>

Well! but all this notwithstanding, the learned Mr. Selden will have it, that princes might excommunicate; nay, that even heathen princes might and did execute this authority. He instances in the famous case of Paulus Samosa-

<sup>1</sup> See the whole account of this in Paulinus's Life of Ambrose, prefixed before the latter's works.

<sup>2</sup> Propterea Deus voluit, ut Theodosius Imperator ageret pœnitentiam publicam in conspectu populi, maxime quia peccatum ejus celari non potuit: et

erubescit senator, quod non erubuit Imperator? Erubescit nec senator, sed tantum curialis, quod non erubuit Imperator? Erubescit plebeius, sive negotiator, quod non erubuit Imperator?—Augustin. in Homil. 49, ex. 50, [cap. 4. Ed. Bened. vol. v. p. 1054.]

CHAP. II. — *tenu*s, who, being convict of heresy, and of various other crimes, by the Bishops assembled in council at Antioch, was deposed from his see, and one Domnus was chosen to succeed him. But he (Paulus), being unwilling to quit possession of the Church and palace, the Bishops addressed the then Emperor Aurelian, who gave command that Paul should resign, as the Bishops of the Christian religion in Italy and Rome should determine upon that affair.

This is all the account we have of that famous transaction.<sup>1</sup> Mr. Selden puns upon this, and would impose upon his reader, by the ambiguous term of “exclusion from the Church;”<sup>2</sup> which in one sense means, indeed, Excommunication, but in another, implies no more than a local dispossession. Paulus was loth, we find, to yield possession to a successor; the Church, *i. e.* the Edifice, with the Manse adjoining, was the property of Christians; this, the Emperor determined, should be occupied by those to whom the proprietors by their letters had consigned it; and this Mr. Selden will have to be the Emperor’s act of excommunicating Paulus. “For what,” says he, “is Excommunication but expulsion from the Church?” Yes! Excommunication is, and was ever esteemed to be, more than a mere local expulsion from the Church. It always implied a denial of the Gospel-ordinances, and with them the means of saving grace; and in the case of Paulus, it was attended, moreover, with a degradation of him from his Ecclesiastical functions, as well as from a mere corporal possession of the Church with its appurtenances.

Let us but transfer the scene to our present age, and suppose a case depending between a criminal incumbent, who may have forfeited his Church by mal-administration, and another, to whom the law may have assigned it upon the former’s misbehaviour. Should a writ now be here directed to the sheriff, for the peaceable entry and quiet possession of

<sup>1</sup> See the whole of it in Euseb. Eccles. Hist. lib. vii. cap. 29, 30.

<sup>2</sup> Ab Aureliano Augusto impetrarunt ipsi, (viz. Episcopi), ut is eum ab Ecclesia abigeret; id est, plane, ut is sententiam Excommunicationis, quantum ad personam hominis itidem ferret, atque execu-

tioni coercendo mandaret. Atque ita secularis imperii autoritate ab Ecclesia extruditur, et plane qua ab autoritate illa fieri potuit, suadentibus illis excommunicatur. — Selden de Synedr. Veter. Ebræor. lib. i. cap. 13, [p. 1058.]

the new incumbent, would any man in his senses from thence infer, that the secular power had either excommunicated the former, or ordained the latter?

Could a man of Mr. Selden's learning see nothing like this in the case of Paulus? Did the Emperor Aurelian intermeddle with the exclusion of Paulus from Communion, with deposing him from his Office, or with writing circular letters, to notify his Excommunication, and the Ordination of Domnus to succeed him? I defy any man living to say and to prove that he did: he only determined upon the possession and property of certain edifices, and consigned them to the possession of those whom the Bishops of Rome and Italy should vest with them. This is all which Eusebius tells us of that famous transaction; and what, I fain would know, can this have to do with Excommunication, or Ecclesiastical Censure? Even just as much as lease and release have to do with binding and loosing!

From this taste of Mr. Selden's ingenuity, the reader will, I hope, observe what regard is due to his learning; and will therefore be cautious of trusting his authorities, whenever he quotes against the Church, whose power he feared and hated.

The sum, then, is this; that whatever fetters may have been cast upon the ordinances of God by the constitutions of man, the Bishop should, however, be true to his own character, and should claim and exercise the powers appertaining to it.

All antiquity points him out for the person intrusted with this discipline; St. Ignatius makes him all in all, in every matter of an Ecclesiastical nature; and Ambrose "excludes all from having any pretence to it, but him, and such as should act by his delegation."<sup>1</sup> Of him it will be required, and to him only the essentials of it should be therefore left.

If human powers will lend him their aid, and will act in concert with him, the Church of Christ will be truly thankful for the countenance and succour it shall thence receive; but we should, at the same time, be careful that the human

<sup>1</sup> Jus hoc solis permissum sacerdotibus est. Recte igitur Ecclesia vindicat, quæ veros sacerdotes habet; hæresis vindi-

care non potest, quæ sacerdotes Dei non habet. — Ambros. de Pœnitent. lib. i. cap. 2. [p. 392. Ed. Bened.]

CHAP. II. do not extinguish the Divine ordinance, nor under pretence of helping it in one case, hinder it in another.

It might, and did, subsist for three hundred years, without any other support than what it received from the power of God and from the piety of His servants, under all discouragements. So it might better again subsist, than depend upon supports, which, instead of strengthening, shall undermine and weaken it.

We then, indeed, shall see who fear God, and who despise Him, when the Censures of the Church shall be left to operate upon the consciences of sinners, and to work alike without external force, and without external impediment upon the inward man.

They who have hitherto contemned the Episcopal authority, by having acted in things pertaining to God, without and against it, may hence observe the dishonour they would have been judged to cast upon God and Christ, if they had lived in the times of primitive Christianity; and that order was then esteemed a thing of more sacred importance, than what the utter neglect of it in these latter days hath taught men to say and think of it.

But now, by what steps, and upon what occasions, and in what particulars, this ancient Apostolic Discipline was warped amongst the Western Churches, to the novelties of modern practice; this is to be the subject of our further inquiry in another chapter.



### CHAPTER III.

#### OF THE DEPARTURE OF THE WESTERN CHURCHES FROM THE PRIMITIVE MODEL.

THE steps by which this change was made, and the occasions of it, will in course be related, when the several particulars are recounted in which the modern hath deviated from the primitive example.

The chief of these particulars will easily enough be ranged under the following heads :

1. The substitution of the private for public penance.
2. The redemption of the public by pecuniary and other commutations.
3. The separation of the two jurisdictions from each other, which were originally lodged in the same hands, and proceeded together with equal paces, viz. 1. That which respected the conscience of the sinner and the forgiveness of his sin ; and that, 2. Which only referred to outward discipline, and to the privilege of Church Communion.

The consequence of which was,

4. The variation of the form in absolving, which, from deprecatory and optative, grew about the same time to be more peremptory and indicative.

#### SECTION I.

The first thing, then, which falls under our consideration, is the substitution of the private for public penance.

From what hath been cited in the foregoing chapters, it appears that the shame of the public discipline did deter many from submitting to it ; and that very early, since Tertullian, we have seen, was forced to exert his eloquence in answering the objection which arose from a false and mis-

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taken modesty. "Is it better," saith he, "to be damned in secrecy than to be absolved openly?"<sup>1</sup> But he needed not to have argued thus if the practice of private Absolution had been then in use. He might have found a more expeditious way of solving the difficulty by some middle practice, if he had then been acquainted with the veil, which now is used to cover the blushes of the penitent, and to pardon his sin without exposing him to shame for it.

Pacian, after him, complained in more pressing terms of people's backwardness in this particular, who, "when they had opened their grievances to their spiritual physician, yet neglected afterwards to pursue his advice, and to go through the course prescribed to them."<sup>2</sup> He pushes his complaint yet further in the following words, and observes to his people, "How they did not so much as comply with the outward forms of penance, such as were open to the very eye of the Bishop, and if but externally submitted to, might attract his commendation of them, such as were then the known rigours of penance in diet and habit, and all outward appearances."<sup>3</sup>

Austin pursues much the same manner of complaint and writing, where he argues the point with those "who pretended shame against a practice which the famous Emperor Theodosius had then so lately submitted to."<sup>4</sup>

All this intimates to us a gradual declension, and a growing unwillingness, in the people of those times to comply with an usage which carried so much of seeming reproach and shame along with it; and, therefore, the Fathers of the Church were always forced to be large and vehement in commending the usefulness and excellence of penitential austerities. Thus Tertullian of the public Exhomologesis. "When it prostrates a man," saith he, "it really raises him; when it represents him outwardly as a mourner, it lays the

<sup>1</sup> See him cited in p. 35, note 1. An melius est damnatum latere, quam palam absolvi?—Tertull. de Pœnitent. cap. 10.

<sup>2</sup> Similes sunt illis, qui plagas quidem aperiant ac tumores, medicisque etiam assidentibus confitentur. Sed admoniti quæ imponenda sunt negligunt, et quæ

bibenda fastidiunt.—Pacian, in Parænes. ad Pœnitent. [§ 9.]

<sup>3</sup> Ne hæc quidem, quæ videri etiam a sacerdote possunt et Episcopo teste laudari; ne hæc quidem quotidiani servamus; flere in conspectu Ecclesiæ, &c. See him cited in p. 59, note 3.

<sup>4</sup> See him cited in p. 97, note 2.

foundation of inward gaiety and joy; when it accuses, it doth at the same time defend him; and when it seemingly condemns, it virtually absolves him."<sup>1</sup> He concludes this head with observing, that "the more of severity and rigour a man exercised upon himself, the more of mildness and mercy he should find at the hands of God."

These, and the like endeavours of the Clergy, for the four first centuries, did, with much ado, sustain and keep alive this discipline throughout that period; and it may be clearly traced down to the age of Austin and Jerome, the former of whom hath been cited often enough in the preceding parts of this discourse, to make it apparent that, how much soever this discipline might be then declining, yet it was not extinguished; and the latter hath left us a famous case in his writings, whereby we may safely judge that it was still, at that time, in use.

The case is of one Fabiola, who, upon a divorce from her former husband, had married another in his lifetime, against all rule, and upon the death of her second husband submitted to public penance, which Jerome there describes in all its rigours; and after she had so done, and was restored to Communion, she sold a very plentiful estate, and assigned it all to charitable uses.<sup>2</sup>

Yet we may here observe of our author, that he ushers in his account of this affair with a note of admiration! Who would believe it? It was at that time so wonderful; not

<sup>1</sup> Cum igitur [Exhomologesis] provolvit hominem, magis relevat; cum squalidum facit, magis mundatum reddit; cum accusat, excusat; cum condemnat, absolvit. In quantum non peperceris tibi, in tantum tibi Deus, crede parcat.—Tertull. de Pœnitent. [cap. 10.]

<sup>2</sup> Quis hoc crederet, ut, post mortem secundi viri in semetipsam reversa; quo tempore solent viduæ negligentes, jugo servitutis excusso, agere se liberior, adire balneæ, volitare per plateas, vultus circumferre meretricios; saccum indueret; ut errorem publice fateretur; et tota urbe spectante Romana, ante diem Paschæ, in Basilica quondam Laterani, qui Cæsariano truncatus est gladio, staret in ordine pœnitentium, Episcopo,

Presbyteris, et omni populo collachrymantibus; sparsum crinem, ora lurida et squalidas manus, sordida colla, submitteret? Quæ peccata fletus iste non purget? Quas inveteratas maculas hæc lamenta non abluant? . . . (A little further we have an account of the process in this matter.) Recepta sub oculis omnis Ecclesiæ Communioni quid fecit? Scilicet in die bona malorum non oblita est . . . quin potius omnem censum quem habere poterat (erat autem amplissimus, et respondens generi ejus) dilapidavit ac vendidit; et in pecuniam congregatum, usibus pauperum præparavit.—Hieronym. in Epist. ad Oceanum, No. 30. Epitaph. Fabiol. [Vol. i. p. 18.]

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but that there were instances, to be sure, of the practice besides this, though this had some circumstances attending it which very much heightened the piety of the action. "She was newly then a widow, and so might more probably have entered upon the thoughts of another marriage than of submission to penitential austerities. She was a person of fortune and distinction, both which she was content to abandon, and to expiate her sin by given away the one, and by laying aside the other."

Upon the whole, however, I am apt to suspect that this discipline was more and earlier upon its decline in the Roman than it was in the African Churches, since there is more express and frequent mention of it in Austin than what is found in Jerome, who was very conversant with the usages of Rome.

The one of these died about twenty, the other about ten years before the entrance of Leo upon his Pontificate, which was A.D. 440. Now, Leo was the first Bishop of the Latin Church, who, by express authority and grant, made a gap in the Penitential Discipline. Others might connive at the breaches made in it, as what they wanted power to restrain, but none before him did avowedly license, much less command, in any case a neglect of the public humiliation.

Now he, in a letter to the Bishops of Campania, directs them "to discontinue the usage which then, it seems, obtained of publishing out of a paper the nature of such crimes as had been privately confessed, and that because private confession to the Priest was, in his opinion, sufficient to the expiation of guilt. And although, as he goes on, it might seem to argue the power of their faith, when their fear of God surmounted all apprehensions of shame from man, yet in regard that the sins of all men which, however, did demand expiation by penance, were not of a nature fit to be published, therefore he judged it proper to remove such an inconvenient custom, for fear of driving many from the advantages of penance, who might either be afraid or ashamed of letting their enemies into a knowledge of their guilt, and of exposing themselves thereby to the edge of the laws. Inasmuch as that confession did suffice, to all intents and purposes, which was made at first to God and next to the



Priest, who is appointed to intercede with God on the behalf of penitents, and that thus, in all likelihood, greater numbers would be prevailed with to submit to penance, if the secrets of their consciences should not be made public.”<sup>1</sup>

Thus far Leo, who, because some sins were unfit for publication, would, therefore, suffer none at all to be published; departing herein from the practice of the ancient Church, which distinguished between the degrees and kinds of sins thus privately confessed; and what were fit for publication, viz. what were likely to be attended with no other inconvenience than with shame to the party by being published, these she determined to have exposed in the open light; as, on the other hand, what might probably be followed with further mischiefs, either to the offender himself, or to any one else, these she prudently directed to be reserved in silence; and yet the guilty party submitted to public penance;<sup>2</sup> from whence, as Augustin hath observed, it was only known that some offence had been committed, which merited such correction, though what, in particular, that offence might be, remained still a secret.<sup>3</sup>

But now, by this Constitution of Leo, the case, we may easily believe, must have been very much altered. For if, as he hath roundly asserted, confession to the Priest alone were sufficient; few, if any, would be at the trouble of the public Exhomologesis, where acknowledgment was to be made of their sin in the face of the congregation. And if the Priest’s intercession to God would serve all purposes, the

<sup>1</sup> Ne de singulorum peccatorum genere, libello scripta professio publicetur; cum reatus conscientiarum sufficiat solis sacerdotibus indicari confessione secreta. Quamvis enim plenitudo fidei videatur esse laudabilis, quæ propter Dei timorem apud homines erubescere non veretur, tamen quia non omnium hujusmodi sunt peccata, ut ea qui pœnitentiam poscunt non timeant publicare, removeatur tam improbabilis consuetudo; ne multi a pœnitentiæ remediis arceantur, dum aut erubescunt aut metuunt inimicis suis sua facta reserari, quibus possint legum constitutione percelli. Sufficit enim illa confessio quæ primum Deo offertur, tunc

etiam sacerdoti, qui pro delictis pœnitentium precator accedit. Tunc enim demum plures ad pœnitentiam poterunt provocari, si populi auribus non publicetur conscientia confitentis.—Leo Epist. No. [136,] ad Epist. Campan. [Ed. Quesnel.]

<sup>2</sup> See what is cited from Origen to this purpose in p. 33, note 3. Si præviderit talem esse languorem tuum qui in conventu totius Ecclesiæ exponi debeat et curari, &c.

<sup>3</sup> See what is cited from Austin in p. 45, note 1. Illi quos videtis agere pœnitentiam, scelera commiserunt, &c., and from Basil. in p. 55, note 1.

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prayers of the Church, which had hitherto been all along considered as of mighty consequence and efficacy in this matter, would, thenceforwards, be rendered of little or no account in it. And the event hath answered the apprehensions which might have been so justly formed upon these relaxations. For, in fact, the public Exhomologesis, and the prayers of the Church have, to a great degree, been neglected, ever since confession to the Priest alone, exclusive of other witnesses, hath been esteemed sufficient; and since his prayers alone have been judged effectual, without those of the congregation joined to them.

Confession to the Priest in private was, indeed, all along recommended, either in cases of doubt and difficulty, or else in order to the public Exhomologesis. But yet it was the latter which was chiefly, and indeed always, insisted on, wherever the conscience was burdened with deadly sin. There was anciently no belief, that sins of so deep a dye, could be cured without it. The prayers of the Church were then considered as of great importance; and the humble behaviour of the penitent did not only satisfy for the scandal, since none was given by secret sins, but it raised, moreover, compassion in the observers, and moved them to solicit the throne of grace the more effectually on his behalf. And besides the proof it gave of the reality of his humiliation, it cherished an holy disposition in his mind, and made him more cautious of his future conduct.

What hath been cited from St. Cyprian shews what a friend he was to the public Exhomologesis in the case of secret offences known only to God. What Gregory Nyssen hath written in his Canonical Epistle for the encouragement of these secret offenders to acknowledge their offence in public, proves at once his own opinion of the practice, and the esteem it was in with the age he lived in.

But as Augustin here is fullest to our purpose, I shall give my reader his words at length.

He is calling upon such as had offended by the sin of incontinence; and he addresses them in the following manner:—

“You,” saith he, “who have so offended, come in and perform your penance in the face of the Church, that you

See him  
cited in  
p. 36, note  
1. See also  
Gregory  
Nyssen to  
this pur-  
pose in the  
Appendix,  
No. 1.

may have the benefit of its prayers. And let no man here pretend to excuse himself by saying, 'I repent before God, I perform it secretly within my own heart; God will pardon me, as knowing my sincerity.' For at this rate, the keys would in vain be given to the Church; and the powers of binding and loosing would signify nothing. And shall we thus go about to defeat the Gospel, and to vacate the words of Christ our Saviour? or shall we cheat you with a promise of granting what He hath denied you?"<sup>1</sup>

Thus different is the language of Augustin from that of Leo's Constitution; though Leo was Pope within a very few years from the death of Augustin. Augustin thought an ordinance of the Gospel defeated by what Leo soon after him judged an expedient and commendable practice. Augustin esteemed the prayers of the Church to be necessary, where Leo determined that those of the Priest without them would be as available: so that Leo's was plainly a novel appointment, and made a remarkable breach in the old Penitential Discipline; as substituting confession to the Priest in the room of that confession, which had anciently been made before the Church; and as determining, that the prayers of the Priest alone would obtain the penitent's pardon, to which those of the congregation heretofore were added.

Yet all this respected hitherto the case of secret offences only; for as to notorious sins, which gave public scandal, and especially as to the three famous instances of them, viz. idolatry, uncleanness, and bloodshed, Leo was still of opinion that they were to be expiated by public discipline; and, accordingly, in his letter to Rusticus, he determines expressly, that such as had been guilty of those heinous crimes should not be admitted to Communion but through the door

<sup>1</sup> Qui post uxores vestras vos illicito concubitu maculastis, si præter uxores vestras cum aliqua concubuistis, Agite pœnitentiam, qualis agitur in Ecclesia, ut oret pro vobis Ecclesia. Nemo sibi dicat, Occulte ago, apud Deum ago, novit Deus qui mihi ignoscat quia in corde meo ago. Ergo sine causa dictum

est, Quæ solveritis in terra soluta erunt in Cœlo? Ergo sine causa sunt claves datæ Ecclesiæ Dei? Frustramus Evangelium? Frustramus verba Christi? Promittimus vobis quod ille negat?—August. in Hom. xlix. [c. 3. Ed. Bened. vol. v. p. 1054.]

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of public penance.<sup>1</sup> Thus, likewise, he tells Nicetas, that "such women as had been married to others during their husbands' captivity, and refused to return to their first (lawful) husbands, upon their deliverance out of it, should be deprived of the Communion of the Church."<sup>2</sup> The same sentence is again denounced by him "against such as had submitted to be re-baptized, that penance and imposition of hands from the Bishop were to be the terms of their restoration."<sup>3</sup> Finally, as to those who had been led into idolatry during their captivity, he speaks full in the language of the ancients: "Let them satisfy for their sins by penance, and let the measure of their satisfaction be taken rather from the contrition and real sorrow of their hearts, than from the time of their continuance under the outward state of discipline."<sup>4</sup>

Upon the whole it is very clear that though, by the aforementioned Constitution, Pope Leo made a breach in the public discipline, yet he did not thereby remove it wholly. He destroyed, indeed, the relation which, till then, there had ever been between private confession and public penance for the sins so confessed. But as to sins which came any other way under Ecclesiastical cognizance, the same course might still be used with them, notwithstanding the order he had taken with secret offences.

Indeed, there are traces to be found of the public discipline through divers ages of the Church, much lower than the times he lived in. Although the private way which he had introduced did gradually, I conceive, supplant the use of the public, the latter of which, however severe and rigid in point of law and rule, grew thenceforwards to be lax enough in practice, and was too seldom, though still it was sometimes, put in execution.

<sup>1</sup> Si autem aut idola adoraverunt, aut homicidiis vel fornicationibus contaminati sunt, ad Communionem eos nisi per pœnitentiam publicam non oportet admitti. — Leo ad Rustic. in Epist. 2. [Respons. 19. ed. Quesnel.]

<sup>2</sup> Ecclesiastica Communionem priventur. —Ib. in Ep. 129, ad Nicet. [Quesn. c. 4.]

<sup>3</sup> In societatem nostram non nisi per

Pœnitentiæ remedium, et per Impositionem Episcopalis manus Communionis recipiant unitatem; tempora pœnitundinis habita moderatione tuo constituyente iudicio. —Ibid. [cap. 6.]

<sup>4</sup> Pœnitentiæ satisfactione purgantur; quæ non tam temporis longitudine, quam cordis compunctione pensanda est. —Ibid. [cap. 5.]



Fulgentius was born soon after the death of Leo, viz. about the year of our Lord, 464 (whereas Leo died A.D. 461), and he lived to the year 529, or, as others compute, till A.D. 533.<sup>1</sup> He says of penance, that "even then," in his days, "it retained its efficacy to the sinner's profit, if he performed it within the pale of the Catholic Church, to which, in the person of St. Peter, God had committed the power of binding and loosing."<sup>2</sup>

Gregory the Great entered upon his Pontificate A.D. 590,<sup>3</sup> and laboured very hard in restoring discipline, which in his time was grown much enfeebled, through the barbarity of the times, and the innovations wrought in it by the clancular practice.

He tells his readers "of the art and tenderness wherewith sinners in power were then to be treated, lest, instead of being reformed by discipline, they should be hardened and made worse by it; that the preacher was to choose a subject, which he knew would reach the case of such an offender, but was by no means to apply it to him in particular, except the transgression were public and notorious; for then, such as should sin in the face of the world were to be rebuked as publicly as they had ventured to sin, lest," says he, "the preacher should seem by his silence to approve the crime."<sup>4</sup>

<sup>1</sup> Du Pin, Eccles. Hist. 6 Cent. [pp. 13, 14.]

<sup>2</sup> Sed etiam Pœnitentia peccatori nunc prodest, si eam in Ecclesia Catholica gerat; cui Deus in persona beati Petri ligandi solvendique tribuit potestatem. —Fulgent. in Lib. un. ad Petrum Diacon. [de Fide, p. 517. Paris, 1684.]

<sup>3</sup> Du Pin, in the place and century just cited.

<sup>4</sup> Potens et protervus cum aliquid perpetrasset cognoscitur, tempus quaeritur ut de malo quod fecit, increpetur; nisi enim Prædicator sustineat, quando ferre congrue correptionem possit, auget in eo malum quod insequitur. Sæpe enim contingit, ut talis sit qui nulla increpationis verba suscipiat. Quid itaque in hujus culpa Prædicatori agendum est; nisi ut in Sermone Admonitionis, quem pro communi Salute omnium Auditorum

facit, tales culpas ad medium deducat, quales eum perpetrasset considerat, qui et præsto est, et de se solo adhuc argui non potest, ne deterior fiat? et cum generaliter contra culpam invectio intenditur, Correptionis verbum libenter ad mentem ducitur; quia potens pravus ignorat, quod sibi hoc specialiter dicatur. . . . Magna itaque Prædicationis arte agendum est, ut qui ex aperta Correptione deteriores fiunt, quodam temperamento Correptionis ad Salutem redeant. . . . Sed hæc de occultis potentium delictis loquimur; nam quando et aliis cognoscentibus peccant, aliis etiam cognoscentibus increpandi sunt; ne si Prædicator tacet, Culpam approbasse videatur. —Gregor. in tom. i. Expos. Moral. in 16 Cap. Job. lib. xiii. [cap. 6, 7, p. 419.]

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From hence, then, we may well infer, that what Tertullian speaks of as given in the Church, viz. "public rebukes, admonitions, and censures,"<sup>1</sup> did still continue to be given in it, though not so frequently, even down to the Pontificate of Gregory the Great. The persons to whom Gregory alludes in this passage, were sinners in power, of whose crimes the Priest had some way or other got notice, though they were not notorious; and he was to use all his art in order to affect those men with a due sense of their crimes, yet so as not to give them offence, nor occasion of flying out into further extravagances. Which is a way of speaking and advising, very different from the simplicity and authority of the earlier ages, and argues the difficulty which the pastors of the Church did then lie under in the execution of their Office: how to rebuke with all authority when their people would so ill endure the use of any.

Yet as bad as their case then was, the case of our present Clergy, I fear, is worse, who, should they take even this tender course, this round-about way of coming at the conscience of a potent sinner, would be censured as busy meddlers, and who rather designed to preach at the man than against his sin.

The same author will furnish us elsewhere with a further specimen of the looseness which generally then prevailed amongst all orders and degrees of men; how "both Priests and people run riot in wickedness, and when they were any way prevailed with to come to themselves, so far as to confess their faults, yet would they not submit to be censured for them, nor to appear in a posture becoming penitents."<sup>2</sup> It should seem from hence, and from what a little before preceded, that our author would have revived the ancient relation between private confession and public penance. "The mere confession," saith he, "of the mouth is not the

<sup>1</sup> Ibidem (viz. in Congregatione) exhortationes, castigationes, et censura divina. — Tertull. in Apolog. advers. Gent. cap. 39.

<sup>2</sup> Catervatim nunc in flagitia corruunt non solum subjecti debiles, sed etiam Prælati et sacerdotes negligentes; sed plerique eorum, dum quodammodo ad

cor redeunt, se errasse confitentur; qui tamen sic volunt contra se peccata proferre, ut velint adhuc de officio sacri Ordinis honorari. Turpes in secreto se proferunt, sed foris præter Ordinis celsitudinem videri humiles erubescunt. — Gregor. lib. vi. Expos. in 1 Reg. [cap. 15, tom. iii. p. 368.]

true nor genuine Exhomologesis, but that which is followed by penitential mortifications; for we then only can be sure of the sinner's conversion, when he endeavours to wipe out the stain of guilt which his mouth hath confessed, by rigours and severities suitable to the affliction which he professes to be under."<sup>1</sup> And again, "The confession of sin is required chiefly for this reason, that the fruits of repentance may follow thereupon."<sup>2</sup> And again, "They who make a specious show of confessing their sins, but do not answer those fair appearances by the realities of a penitential humiliation, are compared to Saul, who did indeed acknowledge his sin, but yet would not be duly humbled for it."<sup>3</sup> Of some, again, he complains, who "hid their sins from their spiritual guides, and endeavoured as much as might be to palliate and excuse them, that their heinousness might not appear."<sup>4</sup> Whilst others "confessed, indeed, of their own accord, but yet were not enough humbled for the crimes whereof they accused themselves." Whereas, he goes on to observe, that "penance was, indeed, as necessary as confession." Once more, he mentions the austerities of penance, and the separation of wicked members from the Communion of the Church, as still in his time remaining, how much, soever, declining from the vigour of the ancient discipline;<sup>5</sup> and that the "government of this whole matter was intrusted with the Bishop, and was not esteemed available without his direction."<sup>6</sup>

<sup>1</sup> Signum ergo veræ confessionis non est in oris confessione, sed in afflictione pœnitentiæ. Tunc namque bene conversum peccatorem cernimus, cum digna afflictionis austeritate delere nititur quod loquendo confitetur.—Gregor. [p.367.]

<sup>2</sup> Idcirco omnis confessio peccatorum requiritur ut fructus pœnitentiæ consequatur.—Ibid. [in cap. 15.]

<sup>3</sup> Saul ergo qui confitetur et honorari vult, non affligi et humiliari, quid designat, nisi eos, qui confessionem sterilem habent, et fructum non habent; qui decorem confessionis verbis humilibus præferunt; sed verborum virorem non humilitate pœnitentiæ sequuntur?—Ibid. [in cap. 15, p. 368.]

<sup>4</sup> Peccata sua suis præpositis abscondunt, et ut vix inveniri possint et argui,

quantum possunt eadem peccata lævigant, ne qui eis præsent, eorum granditudinem attendant.—Ibid. in cap. 15. . . . Quidam etiam sponte ad confitendum veniunt, sed pro quibus se accusant, non ipsi lugent. . . . Non solum confitenda sunt peccata, sed etiam pœnitentiæ austeritate delenda.—Ibid.

<sup>5</sup> Excussi autem sunt reprobi, id est, a fidelium societate separati.—Ibid. lib. iii. Expos. in 1 Reg. cap. 7. [vol. iii. p. 171.]

<sup>6</sup> Carnem pœnitendo atterunt. . . . Quæ tamen afflictio pœnitentiæ ad delenda peccata tunc demum idonea est, cum sacerdotis fuerit iudicio imperata; cum ab eo pœnitentium actibus discussis, pro modo criminis, onus ei decernitur afflictionis.—Ibid.

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From the whole of what hath here been cited, we may, I think, observe, that in the age of Gregory the Great, it was often difficult to bring men so far, as even to private confession; and yet that there was a good deal more of this practice than of public discipline; the latter of which, however it might here and there, in a few instances, be put in execution, yet was not likely to be so often, when both Clergy and people were to such a degree corrupted; the one so negligent in exacting, and the other so backward in submitting to it.

What he hath written upon the Pastoral Care, expresseth indeed on his part a great deal of industry, and endeavour to restore the vigour of the ancient discipline; but yet doth at the same time apparently suppose the want of it, and that the private management had in a manner suppressed the public cognizance of offences.

Isidore of Seville<sup>1</sup> was contemporary with Gregory the Great; but outlived him by thirty-two years, dying in or about the year 636. He hath informed us, that the "public discipline (at least in the case of public sins) was used when he wrote, however rare and languishing it might be in practice. But, indeed, the notion seems to have been then pretty current, that private offences might be privately expiated, although notorious crimes might not so be smothered; nor was the delinquent to be left even in the private management, if he did not reform upon it, but was to be publicly rebuked, in failure of the other method."<sup>2</sup> In the same place he blames those "Pastors who excommunicated their people for their sins, in order to obtain of them a submission to Penitential Discipline, but took, at the same time, no care of instructing them in their future behaviour, or of exhorting them to a better practice."<sup>3</sup> He plainly speaks of conversion in private;<sup>4</sup> so that the private way had then

<sup>1</sup> See Du Pin in 7 Cent. [p. 1.]

<sup>2</sup> Qui admonitus secrete de peccato corrigi negligit, publice arguendus est; ut vulnus quod occulte sanari nescit, manifeste debeat emendari. . . . Manifesta peccata non sunt occulta correptione purganda; Palam enim sunt arguendi qui palam nocent; ut dum aperta objur-gatione sanantur, hi, qui eos imitando deliquerunt, corrigantur.—Isidor. His-

palens. Sententiar. lib. iii. cap. 46, [sect. 11, 12.]

<sup>3</sup> Nonnulli Præsules gregis quosdam pro peccato a Communionem ejiciunt, ut pœniteant; sed quali sorte vivere debeant, ad melius exhortando non visitant.—Ibid. [sect. 8.]

<sup>4</sup> Quidam sunt, qui secrete conversi sunt.—Ibid. lib. ii. Sententiar. cap. 7. [sect. 12.]



unquestionably obtained, although, as yet, it had not quite thrust out the public, since of the latter he very plainly speaks in divers passages, as not utterly extinct. He must mean, for instance, the public humiliation, where he tells his reader what was requisite to the due performance of the Penitential Office, viz. "Tears and self-condemnation proportionable to the measure of the sin committed;"<sup>1</sup> and where he represents the form of it to "be in sackcloth and ashes;"<sup>2</sup> and observes, moreover, that it was "designed as a substitute to Baptism, because the latter was but once allowed of:" and again, where, "for the sake of that reverence, which was due to the Clergy above the people," he recommends to the one the performance of it in the presence of God only; whereas, the other were to go through it, whilst the Priest was solemnly ministering before God at His altar. This, I conceive, must refer to penitents as to a public order of men, who were as much a distinct order as the Competents and Catechumens were, of whom, likewise, he treats in the same passage. And this construction is further confirmed to us from what he writes of the doorkeeper's office, in a letter to Ludifred Bishop of Corduba, which, as he there observes, was to "shut and open the doors of the Church, to take care of whatever was lodged in it, or did any way appertain to it, to let in the faithful to their proper Station, and to exclude such as were under public Censure, and all infidels."<sup>3</sup> Hitherto, therefore, we have at least a shadow left us of the public discipline, and of the Stations which were observed in the ancient Church.

He means the public beyond exception, where he says,

<sup>1</sup> Ille Pœnitentiam digne agit, qui reatum suum satisfactione legitima plangit; condemnando scilicet ac defendo quæ gessit; tanto in deplorando profusus, quanto extitit in peccando proclivius.—Isidor. Hispalens. Sententiar. lib. ii. cap. [13. § 6.]

<sup>2</sup> Bene ergo in cilicio et cinere pœnitens deplorat peccatum.... Pœnitentiæ autem remedium Ecclesia Catholica in spe indulgentiæ fidenter alligat exercendum; et post unum Baptismi Sacramentum, quod singulari traditione commendatum sollicitè prohibet iterandum,

medicinali remedio Pœnitentiæ subrogat adjumentum.... Horum duntaxat dignitate servata; ita ut a Sacerdotibus et Levitis Deo tantum teste fiat; a cæteris vero, antestante coram Deo solenniter Sacerdote.—Ibid. de Offic. Eccles. lib. ii. [cap. 17.]

<sup>3</sup> Ad Ostiarium pertinent claves Ecclesiæ, ut claudat et aperiat Templum Dei, et omnia quæ sunt intus extraque custodiat; fideles recipiat, Excommunicatos et Infideles rejiciat.—Ibid. in Epist. ad Ludifred. Cordubens. Episcop. [vol. vi. p. 567.]

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that "penance is to be performed according to the quality of offences, that the less may be expiated by secret prayer, but that the greater would require a more public satisfaction in the face of the Church."<sup>1</sup> He proceeds, a little after, to describe with what circumstances of severity and rigour the public discipline was attended; "with what abstinence from innocent mirth, and otherwise lawful liberties; with what contempt of this world, and what aspirations towards the other; with what assiduity in watchings and alms, in fastings and prayers; with what diligent attendance upon the Word of God; and with what caution against all the inlets to sin."

In reading the description which he hath here given us of the state of penance, a man is almost tempted to fancy himself in the third or fourth century, when these austerities were actually submitted to, which, I doubt, our author did only paint and describe. Not but that there might be, and were, even then, some instances of the practice, which, it is plain, was not quite discontinued; although, in the passage here cited, he hath rather, I fear, told us what it should have been than what it was.

Private penance was apparently now in use; and as it was much more easily performed than the public, it will easily be apprehended that the former might be as much as the Clergy could generally obtain from their people, whose zeal at that time was grown much colder than it had been in the earlier ages.

Some few Bishops, famous for their piety and learning, did what they could to prop and support a declining disci-

<sup>1</sup> Ipsa autem pœnitentia juxta qualitatem delictorum agenda est; nam sicut levia peccata occulta oratione delentur, ita gravia coram Ecclesia per pœnitentiam et satisfactionem remittuntur. . . . Pœnitentia vera in omni sancto opere sollicitius anxiatur. Non habet omnino risus, fabulas vanas non recipit, neque desiderii inquinatur factisque protervis; terrena non concupiscit, cœlestia desiderat, de fine suo cogitat, judicium futurum semper intendit, et qualiter coram Deo digne appareat, hoc quotidie sibi procurat, soli Deo militat, in nullis mundi

negotiis involvitur. In vigiliis et orationibus frequentissima est, in jejuniis exercitata, in cibo et potu moderata, in labore et lectione assidua, in caritate perennis, in castitate perpetua, in sermone verissima, in juramento continens; benigna est et patiens, invidia non succenditur, ira non superatur, cavet jactantiam, humilitatem amat, contumeliam non rependit, odit avaritiam, fugit vanam gloriam, superbiam detestatur, gaudia respuit, gemitus suspiria et tribulationes amplectitur.—Isidor. Hispalens. in Exhortat. ad Pœnitentiam.

pline. But what, alas! could they hope to do effectually, when their Clergy were remiss, and their people barbarous and headstrong? Yet thus much we may observe even here, to the shame of our present generation, that in this point, even the seventh century made nearer approaches than we do, to the primitive pattern.

We are now come down to the age of our famous Theodorus, Archbishop of Canterbury, who was thirty-four years old when Isidore died, viz. A.D. 636.<sup>1</sup> This great Prelate is charged by Morinus “with having been the first who brought in the innovation of secret penance for secret offences.”<sup>2</sup> Whereas, before his time, if Morinus hath laid his charge right, even secret offences were punished with public penance.

Monsieur Petit, who published the Penitential which goes under the name of Theodorus, hath undertook to vindicate our Archbishop from the charge which Morinus had brought against him; and fain would shew, that the private penance had a foundation in the very beginnings of the Church, although not one of his authorities proves it.<sup>3</sup>

What carries the best show of proof with it, is cited by him from Augustin, and yet, the very title of the Homilies from whence he would draw the inferences to his purpose, evidences their entire relation to brotherly reproof, in the case of one brother trespassing against another.<sup>4</sup>

What the Father hath occasionally mentioned concerning the Bishop’s knowledge of a crime, which was unfit to be published, for fear of exposing the party to the edge of temporal laws, falls under another consideration, and hath

<sup>1</sup> See Du Pin in Eccles. Hist. 7 Cent. [p. 45.]

<sup>2</sup> Theodorus, homo Græcus, primus aperte morem sustulit publice de criminibus occultis pœnitendi.—Morin. de Administ. Pœnitent. lib. x. cap. 17, sect. 2, [vii. i. 15.]

<sup>3</sup> In Theodor. Doctrin. de Pœnitent. ab omni suspicione novitatis vindicata.

<sup>4</sup> De eo quod scriptum est in Evangelio, Si peccaverit in te frater tuus, corripe eum inter te et ipsum solum.—August. Serm. 15 et 16, de Verb. Dom.

. . . . Nos volumus corripere et corrigere; Quid si inimicus quærit audire quod puniat? Novit enim nescio quem Homicidam Episcopus, et alius illum nemo novit: Ego volo publice corripere, at tu quæris inscribere. Prorsus nec prodo nec negligo; corripio in secreto, pono ante oculos Dei judicium; terreo cruentam conscientiam, persuadeo pœnitentiam.—Ibid. in Serm. [16, p. 310, vol. v.] See, and compare with this, what is written and cited in p. 45, note 1.

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 III. would here contend for.

Indeed, the party was not in this case obliged δημοσιεύειν, to publish the sin thus committed by him; but still the Bishop might and did persuade his submission to public penance for it; whereby it was known, that he had been guilty of some enormous crime, though the particular species of the fact was secret. If the party would not hearken to the Bishop's persuasion, it doth not appear that the Bishop could, in this case, proceed any farther; since it hath already been observed from Augustin, that "proof was to be made of facts before the parties could be excluded from Communion for them, and it was unfit for the Bishop himself to be both witness and judge in the same case."

As to the argument formed by Mr. Petit upon imaginary inconveniences, and upon the want there would anciently have been of a cure for divers sins, if this of private penance had not been applied to them; it is plainly of no validity nor force; since, to argue from imaginary conveniences or inconveniences to real facts, is a way of reasoning as fallacious as any man can fall into, and will prove any thing he hath a mind to, if it will prove any thing at all. It is but urging that the thing would be convenient or inconvenient; and its being must stand or fall with the fanciful suggestion.

It is allowed, notwithstanding, that in the time of Augustin, the public discipline was declining, and had much ado to support itself; and, therefore, this same Father, in his Epistle to Aurelius, recommended the softer way of treating sins, which had multitudes to countenance them.<sup>1</sup> St. Cyprian, I guess, would scarce have condescended to any such regards; though, in proportion to the number of Christians, the case of the lapsed might have had as much pleaded for it in abatement of penitential rigours as any case could pretend to in after ages.

But nothing yet appears of private penance as established

<sup>1</sup> Non ergo aspere, quantum existimo, non duriter, non modo imperioso ista tolluntur: Magis docendo quam jubendo, magis monendo quam minando. Sic enim agendum est cum multitudine, se-

veritas autem exercenda est in peccata paucorum.—Augustin. in Epist. [22, § 5,] ad Aurel. Episc. [vol. ii. p. 21. Ed. Bened.]



in the age of Augustin, whatever approaches might be making towards it.

For sins not liable to public discipline, the Father just cited, with Pacian and Ambrose, hath shewn us the cure of them by prayers and alms, and by future diligence in good works, which no man, surely, will judge fit to have been imposed upon the sinner under the notion of punishments; though they might be recommended to him as instances of piety and charity, and of other virtues.<sup>1</sup>

These Fathers, however, where they mention the case and the cure of it, say not one word of any private penance; which alone is a strong presumption, that the usage was not known to them, and, when joined with the silence of other Fathers down to Pope Leo, amounts, in my poor opinion, to a convincing proof, that there was really no such practice.

And yet, after all, Monsieur Petit was right in his conclusion, though wrong in the premises, by which he would have come at it. For Theodorus, at last, was not the man, through whom this innovation first crept into the Church. Pope Leo, we have seen, about two hundred years before Theodorus entered upon his Archbishoprick, which was A.D. 680, either laid, or at least established, and settled the foundation of this great change; and the practice hath been traced from Leo down to the very period we are now got into.

Morinus might well enough have said, nor would Mr. Petit, I suppose, have gainsaid, that Theodorus was the first in the Latin Church, who drew this discipline into form and order by writing a Penitential, and by prescribing a method to direct both Priest and people in the use of it.

He is represented as the most knowing and learned man of his times; a Greek by birth, and a Roman by habitation and converse; so that he might be easily and well acquainted with the usages, both of the Eastern and Western Churches; and, therefore, he must be confessed to have been very fit for such a work, which the ignorance of his Clergy had rendered necessary, as the barbarity of his people would admit no return to the rigours of the ancient Church.<sup>2</sup>

<sup>1</sup> See what hath been cited from those Fathers in p. 53, notes 1, 2, 3.

his Penitential, large commendations of him from the testimony of various authors.

<sup>2</sup> See, in Monsieur Petit's Edition of

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We are now advanced to the time wherein the public discipline, though not quite lost, was yet almost extinguished; for, instead of the ancient Exhomologesis, and the humiliation of the penitent in the face of the Church, we hear hence-forwards of little more than of the modern practice, by private confession and private absolution, which bring little or no shame upon the sinner, and carry very little of terror against sin, when pardon is obtained so easily.

Nay, the ancient is quite reversed in the modern practice of the Roman Church. The binding power of the Church was heretofore understood to be then exercised, when the sinner was bound over to certain penitential austerities; and when these had been submitted to for the appointed season, he then was loosed from them, and restored to his former privileges. But now, in effect, he is loosed first, and bound afterwards, it being usual with the Roman Clergy to give Absolution immediately after Confession, upon promise from the penitent, that he will perform the penance assigned him when so absolved: so that, after he is loosed (or absolved) his bond, viz. his obligation to penance, does still continue to hold him. A preposterous course! and quite against ancient usage, as well as against the nature of the thing itself. Thus much will be acknowledged by all candid persons even of their own persuasion.

Gabr. Albaspine will teach them this ingenious acknowledgment, that “anciently penance was not given together with Absolution; and, that penance had, in the earlier ages, a very different signification from what it hath at present; that Absolution and the peace of the Church were never then granted till after satisfaction was made, and penance gone through.”<sup>1</sup>

The use of private confession is likewise very different in the present from what it was in the Primitive Roman Church.

<sup>1</sup> Antiquitus nunquam Pœnitentia concedebatur cum Absolutione, aut sine Benedictione, et manuum Impositione: Omnes item Canones, qui aut concedunt, aut negant jus Pœnitentiæ dari, liquido demonstrant hanc vocem aliam habuisse acceptionem, quam habeat hodie, et a

nostra plurimum abesse . . . Crederem antiquam Disciplinam instituisse, ne ulli unquam nisi post satisfactionem et Pœnitentiam Absolutio et pax Ecclesiæ concederetur.—Gabr. Albaspin. de veterib. Ecclesiæ. Ritib. lib. ii. Observat. 3, [p. 218.]

Then, it was rather a matter of prudence than of necessity, commended indeed, but not enforced as universally necessary; what was then exacted and insisted on, was the public Exhomologesis of the penitent, and his solemn humiliation by it in the face of the Church; and even the private, which was in some cases recommended, though not generally commanded, had an apparent reference to public discipline. Whereas now, the private confession is represented as universally necessary, and made exceedingly extensive,<sup>1</sup> not only to the sins themselves, but to the circumstances, occasions, and inducements, which led into them;<sup>2</sup> and it is called, moreover, sacramental;<sup>3</sup> and, against the whole stream of antiquity, the repetition of this discipline is allowed *toties quoties* without any limitation.<sup>4</sup> Nay, the Council of Trent hath proceeded so far as to say of the public Exhomologesis, that Christ, indeed, had not forbid it, yet that it would not be prudent to revive it,<sup>5</sup> and that, what they style the Sacramental Confession, is the Divine institution, and all in all.<sup>6</sup> The Bishops in divers ages did, indeed, attempt to revive the ancient discipline; or at least, to hinder any further innovations in it: witness the Canons of various Councils,

<sup>1</sup> Omnis utriusque sexus fidelis postquam ad annos discretionis pervenerit, omnia sua solus peccata confiteatur fideliter (saltem semel in anno) proprio Sacerdoti, et injunctam sibi Pœnitentiam studeat pro viribus adimplere.—In Concil. Lateran. iv. habit. A.D. 1215, cap. 21, [Hardouin. viii. p. 35.]

Mortifera peccata singula enumeranda sunt.—In Catechism. ad Paroch. Part ii. [p. 252.]

<sup>2</sup> Neque vero solum peccata gravia narrando explicare oportet; verum etiam illa quæ unumquodque peccatum circumstant.—Ibid. in Catechism. ad Paroch. [pp. 252, 253.]

<sup>3</sup> Si Sacramentalem confessionem e Christiana disciplina exemeris, constat plena omnia occultis et nefandis sceleribus futura esse.—Ibid. [p. 247.]

<sup>4</sup> Nullum est tam grave et nefarium scelus, quod Pœnitentiæ Sacramento non quidem semel, sed iterum, et sæpius

non deleatur.—Ibid. de Pœnitent. Sacrament. [p. 235.]

<sup>5</sup> Etsi Christus non vetuerit quin aliquis in vindictam suorum scelerum, et sui humiliationem, cum ob aliorum exemplum, tum ob Ecclesiæ offensæ ædificationem, delicta sua publice confiteri possit; non est tamen hoc divino præcepto mandatum; nec satis consulte humana aliqua lege præciperetur, ut delicta, præsertim secreta, publica essent confessione aperienda.—In Concil. Trident. Sess. 14, cap. 5. [Hardouin. xi. p. 93.]

<sup>6</sup> Si quis negaverit Confessionem Sacramentalem vel institutam, vel ad salutem necessariam esse jure Divino; aut dixerit modum secreta confitendi soli Sacerdoti, quem Ecclesia Catholica ab initio semper observavit, et observat, alienum esse ab institutione et mandato Christi, et inventum esse humanum, Anathema sit.—Ibid. in Can. 6, de Pœnit. Sacrament.—[Hardouin. tom. xi. p. 98.]

held in several times and countries, whereof we in England were not without our proportion.

Charles the Great contributed very good assistance towards this work; and, in the time of his son Ludovicus Pius, there was a notable struggle for the primitive discipline, by the attempt which was made in the sixth Council of Paris to suppress and abolish the penitential formularies, which were then, it seems, got abroad, as contradicting, in divers points, the authority of the ancient Canons.<sup>1</sup> Yet, even then, I observe, no attempt was made to revive the ancient practice of public penance for secret sins, but, instead of it, the current usage of that age was established by law, that secret sins should have secret penance, and public crimes be publicly punished according to the Canons.<sup>2</sup> Even the zeal of this good Emperor pushed him upon no other endeavour than only to support, in this point, the prevailing practice by his imperial power. The innovation then had taken so deep a root, that there was no extirpating it.

But whatever good intentions this prince might have, the effects of them did soon expire with him and with his race; and were entirely sunk in the barbarity and confusion of the times which succeeded them.

<sup>1</sup> Quoniam multi Sacerdotum partim incuria, partim ignorantia, modum pœnitentiæ reatum suum confitentibus, secus quam jura Canonica decernant, imponunt, utentes scilicet quibusdam codicillis contra Canonicam auctoritatem scriptis, quos Pœnitentiales vocant, omnibus nobis salubriter in commune visum est, ut unusquisque Episcoporum in sua parochia eosdem erroneos codicillos diligenter perquirat, et inventos igni tradat: Ne per eos ulterius Sacerdotes imperiti homines decipiant.—In Concil. Paris. vi. cap. 32, lib. i. [Hardouin. tom. iv. p. 1317.]

<sup>2</sup> Si vero occulte et sponte confessus fuerit, occulte faciat (Pœnitentiam). Et si publice ac manifeste convictus aut confessus fuerit, publice ac manifeste fiat; et publice coram Ecclesia juxta Canonicos pœniteat gradus.—In Capitul. Carol. Mag. et Ludovic. Pii, lib. v. cap. 116. Ed. Baluz. [Cf. Capit. xxv.

ap Hardouin. tom. iii. p. 1044.] . . . . So Rabanus Maurus de Instit. Cleric. lib. ii. cap. 30. Quorum autem peccata occulta sunt, et spontanea confessione soli tantummodo Presbytero, sive Episcopo ab eis fuerint revelata, horum occulta debet esse pœnitentia, secundum judicium Presbyteri sive Episcopi, cui confessi sunt; ne infirmi in Ecclesia scandalizentur, videntes eorum pœnas quorum penitus ignorant causas. (And thenceforwards it grew into an established rule, that any sin how grievous soever, if committed in secret, might be expiated by secret penance.) Si vero occultum fuerit peccatum, quantumcunque fuerit grave et enorme, quantumcunque abominabile, sufficit illud secreta confessione, et secreta satisfactione purgare.—In Excerpt. ex Pœnitentiali Mag. Bartholomæi Episcopi Oxoniensis, cap. 30, apud Mr. Petit, in Theodor. Pœnit. [p. 333.]



Whilst the Bishops had any remains of liberty or power, the great point they laboured was conformity to the rules of the ancient Church. But when Pope and prince had long been concerned in a joint conspiracy to deprive them of both, they grew tired with contending against such potent adversaries, and submitted at last to all the fetters which were prepared for them.

Throughout the whole period from Leo down to our present age, the private management of discipline hath been gaining upon the public, and hath left it, indeed, little more at present than an empty name, without effect or meaning; but yet it hath here and there, in a few instances, preserved its being all along; though without any great resort to, or great use of it. The Councils speak frequently of it, as of a thing a little in practice, and more in the wishes of the respective times, which they were severally held in.

To begin with the very year in which Pope Leo died. The Council of Tours makes express provision for the behaviour of such as had been admitted to penance.<sup>1</sup>

The very first Canon of the sixth Roman Council enjoins "the observation of the Nicene Canons in general; and then in the third Canon, proceeds more particularly to prohibit any one being promoted to the Clergy from the order of penitents."<sup>2</sup>

In the Council of Agatha, we have further directions as to the case of penitents, and the manner of their being admitted to that order; and, in another Canon of the same, "we have express mention of their Station in the Church, though with some note of the difficulty there was to keep them in it, and of the growing disuse into which it had been falling."<sup>3</sup>

<sup>1</sup> Si quis post acceptam pœnitentiam ad sæculares illecebras fuerit reversus, a Communionē Ecclesiæ extraneus habeatur. — In Concil. Turonens. habit. A.D. 461, can. 8. [Hard. ii. 795.]

<sup>2</sup> Canones Nicæni Concilii custodian- tur . . . Pœnitentes ad sacros ordines ne aspirent. — In Concil. Roman. 6. habit. A.D. 465, Can. i. et iii. [Hardouin. ii. 799.]

<sup>3</sup> Pœnitentes, tempore quo pœniten-

tiam petunt, impositionem manuum, et cilicium super caput a Sacerdote (sicut ubique constitutum est) consequantur. . . (De lapsis hæc sunt observanda.) In pœnitentiam loco standi et orandi humilitatem ita noverint observandam, ut etiam ipsi, cum Catechumeni egredi commonentur, ascendant. Hoc si observare voluerint, constituto tempore admit- tendis ad Altarium observatio relaxetur. Quod si ardua vel dura forte putaverint,

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The Council of Ilerda hath provided against the contumacy of an offender, who should refuse to depart from the Church at the Minister's appointment.<sup>1</sup>

The third Council of Orleans was held expressly for the purpose of reforming Ecclesiastical discipline.<sup>2</sup>

The first of Barcelona speaks of the Clinical penance, and directs the penitent upon his recovery to go through it, and to submit to a segregation for the time the Priest should assign him to it.<sup>3</sup> The wilful murderer was, by the second Council of Luca, to be detained at the Church-door, and to enter no farther as long as he lived, but in his last moments he might be reconciled.<sup>4</sup>

The third of Toledo revives the ancient customs of penance, which it proceeds to explain, and then confirms them; after having given, at the very first, a solemn sanction to all the Canons of the ancient Church in general.<sup>5</sup>

This endeavour to keep alive or to recover the ancient discipline was remarkably slackened in the seventh century, where the provisions made for it are more sparing than in the times preceding.

Yet the Council of Chalon-sur-Soane just mentions the order of penitents as still remaining.<sup>6</sup>

The ninth of Toledo directs the reception of Clinical penitents.<sup>7</sup> So does the first of Aix, held under Charles the

statuta præteritorum Canonum implere debebunt.—In Concil. Agathens. habit. A.D. 506, Can. 15 et 60. [Hardouin. tom. ii. pp. 999, 1004.]

<sup>1</sup> Qui jubente sacerdote pro quacunque culpa ab Ecclesia exire contempserit, pro noxa contumaciæ tardius recipiatur ad veniam.—In Concil. Ilerd. habit. A.D. 524, Can. 10. [Hardouin. ii. p. 1065.]

<sup>2</sup> Ad reformandam Ecclesiæ Disciplinam.—Ibid. in Titul. Concil. Aurelian. 3. habit. A.D. 538.

<sup>3</sup> De his qui in infirmitatibus poscunt pœnitentiam, et a Sacerdote accipiunt, si postea convalescerint, vitam pœnitentium peragant, segregati a communione quam diu probabilem sacerdos eorum approbaverit vitam.—In Concil. Barcinonens. 1, habit. A.D. 540, Can. 8. [Hardouin. tom. ii. p. 1435.]

<sup>4</sup> Si quis voluntarie Homicidium fecerit, ad januam Ecclesiæ Catholicæ semper subjaceat, et Communionem in exitu vitæ suæ recipiat.—In Concil. Lucens. 2. habit. A.D. 569, Can. 78. [Hardouin. ii. p. 399.]

<sup>5</sup> Omne quod a præcis Canonibus prohibetur, sit, resurgente disciplina, prohibitum, et agatur omne quod præcipit fieri . . . De pœnitentibus, secundum formam antiquorum Canonum dentur pœnitentiæ.—[Hardouin. iii. p. 481.] See p. 68, note 1.

<sup>6</sup> Pœnitentibus a Sacerdotibus data confessione indicatur pœnitentia.—In Concil. Cabilonens. 2. habit. A.D. 650, Can. 8. [Hardouin. tom. iii. p. 949.]

<sup>7</sup> His, qui in tempore necessitatis, præsidium pœnitentiæ et reconciliationis implorant, nec satisfactio interdicenda

Great, in his royal palace; who, indeed, was forced upon exerting his authority, to procure any reverence to the Episcopal function, and to uphold a tottering and sinking discipline.<sup>1</sup>

Thus his Capitular, exhibited in the Council of Tours, threatens to displace and disown all persons whatsoever, his own children not excepted, who should not pay due obedience to the Bishop.<sup>2</sup>

The sixth Council of Arles, convened by his order, directs all counts, judges, &c. to obey the Bishop; and such as had been guilty of public crimes were to perform public penance, according to the ancient Canons.<sup>3</sup>

As to the conduct of our own Bishops within this period, they exerted themselves, by all the accounts we have of them, with a zeal at least equal to any of their neighbours, although they had no such supports to back them as those of France enjoyed in the Carolinian family.

The three Synods of Landaffe, and the behaviour of Bishop Oudoceus, will fully prove that there was then among our Clergy no want of inclination to exert the vigour of the ancient discipline; and the noble stand which was made against Papal encroachments, in the case of Austin the Monk, sent hither by Pope Gregory the Great, will be a lasting monument of the courage wherewith our British Bishops defended the rights of their Sees and the honours of their function.<sup>4</sup>

In the former, we may observe the *reguli* of those western parts submitting to Episcopal correction; and, in the latter,

est, nec reconciliatio deneganda. — In Concil. Toletan. 9. (vulgo 11.) habit. A.D. 675, Can. 12. [Hardouin. iii. p. 1029.]

<sup>1</sup> Qui in periculo constituti sunt, et convertunt se ad Deum, canonice inquiratur de reconciliacione, et canonice reconcilientur. — In Concil. Aquisgranens. 1. habit. A.D. 789, Can. 34.

<sup>2</sup> Qui Episcopo suo inobediens inventus fuerit, sciatur se in nostro imperio nec honores retinere, licet etiam filius noster fuerit, nec in palatio locum. [Quoted in the *singular*; it is, in the original, in the *plural*.] — In Concil. Turonens. habit.

A.D. 800. Capitul. Eccles. Car. Mag. cap. 2. [Hardouin. tom. iv. p. 940.]

<sup>3</sup> Comites, iudices, seu reliquus populus obediens sint Episcopo . . . Qui publico crimine convicti sunt, rei publice judicentur, et publicam poenitentiam agant secundum Canones. — In Concil. Arelat. vulgo 6. habit. A.D. 813. Can. 13, et 26. [Hardouin. tom. iv. pp. 1005-6. Cf. Conc. Turonens. 3. Can. 33. Hardouin. tom. iv. p. 1027.]

<sup>4</sup> In Can. Eccles. Britan. Synod. Landav. habit. circiter A.D. 560. See these Synods cited at large in the following section.

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we may find the British Prelates would own no other deference than what was due from them by the law of charity to any Spiritual jurisdiction, save only to that of their own Bishop of Caerleon.<sup>1</sup>

This, in the name of the rest, was the bold declaration of the Abbot of Bangor.

But as Labbée and Binius represent this matter from Bede, his freedom of speech cost his monastery very dear, little less than one thousand two hundred of his monks falling soon after by the rage of King Edilfrid in this unhappy quarrel, according to the prediction of the holy man Austin, if these writers may be credited, though as others strongly suspect at his instigation and persuasion. And if this suspicion be duly founded, it will very much abate to us the honour they assign him of a prophetic spirit.<sup>2</sup>

We may observe, however, a great while after this, some apparent footsteps of the public discipline being left amongst us in the case of enormous crimes, and of its being extended to persons of the highest rank, when they were found to deserve it.

Witness again for this, another Synod of Landaffe, towards the end of the ninth century, wherein Clotri, one of the *reguli* in those parts, was excommunicated by Bishop Berthguin for perjury and murder;<sup>3</sup> which crimes, we may read, had afterward, in the reign of King Ethelred, a brand set upon them, and a prohibition to the guilty parties from coming into the royal presence till they had expiated their offence by public penance.<sup>4</sup>

<sup>1</sup> Notum sit et absque dubitatione, quod nos omnes sumus et quilibet nostrum obediens et subditi Ecclesiæ Dei, et Papæ Romæ, et unicuique vero et pio Christiano ad amandum unumquemque in suo gradu in perfecta charitate, et ad juvandum unumquemque eorum verbo et facto fore filios Dei; et aliam obedientiam quam istam non scio debitam ei, quem vos nominatis esse Papam, nec esse Patrem Patrum. Vindicari, et postulari, et istam obedientiam nos sumus parati dare et solvere, et ei et cuique Christiano continuo. Præterea nos sumus sub Gubernatione Episcopi Caerlegionis super Osca, qui est ad su-

pervidendum sub Deo super nobis, ad faciendum nos servare viam spiritualem. —In Synod. 1 ab Augustin. habit. A.D. 601. [Howel's Decret. Eccl. Brit. p.10.]

<sup>2</sup> Bede, lib. ii. cap. 2. Labbée et Binius in Concil. Wigorn.

<sup>3</sup> In Synod. Landavens. 14, habit. circiter A.D. 887. See it cited more at large in the following section. [Howel's Decreta Eccles. Brit. p. 33.]

<sup>4</sup> Homicida, aut pejorator coram rege non veniat, priusquam pœnitentiam egerit Deo et sæculo.—In Concil. Pananglic. ab. Æthelred. edit. A.D. 1006, cap. 25. [Howel, p. 58.]



Indeed the British Bishops, as being more out of the way of Papal corruptions, did better maintain their ground than their other neighbours, and we have, accordingly, more frequent instances of the use they made of the powers belonging to their sacred function.

But after the Norman Conquest, Pope and prince entered here, as elsewhere, into a close confederacy, for sharing between them a very large portion of the Episcopal authority.

Eadmer, the Monk of Canterbury, hath recorded some notable effects of the Conqueror's power; that he would suffer nothing to be determined in Synods but what himself should approve of; that no Bishop of his realm should be permitted to excommunicate any of his barons or great ministers, or to lay them under any Ecclesiastical Censure, how enormous soever the crimes might be of which they had been guilty, without his leave and license first obtained for that purpose.<sup>1</sup>

The case had hitherto been otherwise, and the Ecclesiastical authority had ever been acknowledged in matters of a purely Ecclesiastical nature, and even princes themselves, as well as their ministers, had submitted to it as far backwards as we have any accounts of the Christian religion to be found amongst us. But here was a full stop put to the subjects' liberty, as well as to the Ecclesiastical authority. "All things," saith our author, "both Divine and human, waited the results of his despotic pleasure."

The subject, since his time, hath shifted pretty well, and is now in possession of as much liberty as he knows what to do with.

But the Episcopal power hath not yet shook off the fetters which it was then cast into; instead of any enlargements its chains have rather been heavier than lighter. In the follow-

<sup>1</sup> Cuncta divina simul et humana ejus nutum expectabant . . .

Primatem quoque regni sui, Archiepiscopum dico Cantuariensem, seu Dorobernensem, si coacto generali Episcoporum concilio præsideret, non sinebat quicquam statuere aut prohibere, nisi quæ suæ voluntati accommoda, et a se primo essent ordinata. Nulli nihilominus Episcoporum suorum concessum iri permitte-

bat, ut aliquem de baronibus suis, seu ministris, sive incesto, sive adulterio, sive aliquo capitali crimine denotatum publice, nisi ejus præcepto, implacitaret, aut excommunicaret, aut ulla Ecclesiastici rigoris pœna constringeret.—Eadmer, Monach. Cantuariens. Histor. Novor. p. 6. Ed. per Johan. Selden, 1623.

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ing century, we may learn from the acts of the Council of Clarendon, which I should rather, indeed, call a Concordal than a Council, that this limitation of the Bishop's authority was confirmed there; "and no one of the king's servants, or who held of him *in capite*, might upon any occasion thenceforwards be excommunicated, till the king, or, in his absence, his chief justice, were made acquainted with it, that one of them might see right done."<sup>1</sup>

These encroachments of the regal upon the Episcopal power began elsewhere somewhat earlier, and the tenth Council of Toledo had before appointed, that "whomsoever the king should admit to the honour of his familiarity, or his table, the Clergy and people should receive into the Communion of the Church."<sup>2</sup> But then this Council, like that of Clarendon, was much under the influences of the grandees of the realm, who were present at it, and had no small hand in its several determinations.

However, through all the periods which have hitherto been traced, we may observe some remains of the public discipline, though much sunk in its vigour, and much corrupted in its purity.

We have, indeed, no great reason to apprehend that what the several Canons which have here been cited did enjoin was, in every part of it, punctually executed. Only we may hence infer, that the Bishops were not wholly wanting to their Office, that they did not entirely neglect to put their people in mind of what they could not prevail upon them fully to comply with.

Upon the whole, we are not to wonder if, when the people were rude and licentious, the Clergy, for the general illiterate, and tainted besides with a proportion of their people's vices, in these circumstances we are not, I say, to wonder

<sup>1</sup> Nullus qui tenet in capite de rege, nec aliquis ministrorum ejus excommunicetur, aut sub interdicto ponatur, nisi prius Rex, vel, si extra regnum sit, justiciarius ejus conveniatur, ut rectum de eo faciat.—In Concil. Clarendon. habit. A.D. 1164, c. 7. [Howel's Decr. Ecc. Brit. p. 94.]

<sup>2</sup> Quos regia potestas aut in gratiam

benignitatis acceperit, aut participes mensæ suæ effecerit, hos etiam sacerdotum et populorum conventus suscipere in Ecclesiasticam Communionem debet; ut quod jam principalis pietas habet acceptum, neque a sacerdotibus Dei habeatur extraneum.—In Concil. Toletan. [12,] habit. A.D. 681, Can. 3. [Hardouin. tom. iii. p. 1720.]

if antiquity was forgot by both of them, and then if the private, which was the more easy management, got daily ground of the public, which was more laborious and grievous. Thus gradually, and almost imperceptibly, from the time of Pope Leo, did the private discipline supplant the public, till it had left nothing but a shadow of the ancient regimen, and even that very ill resembling the substance it belonged to.

The next instance of the departure of the Western Churches from the primitive model, is to be the subject of another section.

## SECTION II.—*Concerning the Redemption of the Public Canonical Penance by Pecuniary and other Commutations.*

The foundation of this is much more ancient than of the former change, although the superstructure, the practice built upon it, seems to have been of a more modern standing.

The Council of Nice,<sup>1</sup> and, a little before it, that of Ancyra, “had intrusted the Bishops with a discretionary power of relaxing the penitent’s sentence, and of shortening the time he should continue under it, as they should observe his behaviour to be more or less deserving. If he contented himself with the common forms of coming into the Church and of leaving it with other penitents, if he did not manifest a compunction of heart as well as submit to the outward appearances and gestures of penitential sorrow, he was then to have no abatements, but was to go completely through the stages and the time assigned him. Whereas, if either his former conversation had been exemplary before his lapse, or if his conduct after it did sufficiently prove the realities of his inward grief, in such cases his Bishop might contract the time allotted for his continuance under the Penitential Dis-

<sup>1</sup> Ἐφ’ ἅπασι δὲ τούτοις προσήκει ἐξετάζειν τὴν προαίρεσιν καὶ τὸ εἶδος τῆς μετανοίας· ὅσοι μὲν γὰρ καὶ φέβω, καὶ δάκρυσι, καὶ ὑπομονῇ, καὶ ἀγαθοεργίαις τὴν ἐπιστροφὴν ἔργω καὶ οὐ σχήματι ἐπιδείκνυνται, οὗτοι πληρώσαντες τὸν χρόνον τὸν ὀρισμίνον τῆς ἀκροάσεως, ἐκότως τῶν ἐχθρῶν κοινωνήσουσι, μετὰ τοῦ ἐξίειναι τῇ

ἐπισκόπῳ, καὶ φιλανθρωπότερον τι περὶ αὐτῶν βουλευσασθαι· ὅσοι δὲ ἀδιαφόρως ἤνιγκαν, καὶ τὸ σχῆμα τοῦ μὴ εἰσίνειν εἰς τὴν ἐκκλησίαν ἀρκυῖν αὐτοῖς, ἠγήσαντο πρὸς τὴν ἐπιστροφὴν, ἐξῆκον τοὺς πληρώσαντες τὸν χρόνον.—In Concil. Nicæn. i. Can. 12. [Hardouin. vol. i. p. 329.]

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cipline, and might restore him to Communion before its expiration.”<sup>1</sup>

The whole stream of antiquity runs all on this side, and there is nothing in which the Fathers are more unanimous than in allowing to the Bishop this discretionary power.<sup>2</sup>

But in time this grew to be extended to cases and to circumstances which were never intended by the first allowance.

The Nicene Canon did never intend to exempt men from penance, but to quicken them in the performance of it; and only to shorten the time, as their diligence in discharging it should appear to deserve a mitigation of their sentence. For, since the labour of one man in six months might equal the labour of another in twelve months, it was thought just and equitable that the account and the measure of both should be taken rather from the work which was done, than from the time in which it was doing. This was all the redemption which was either designed or accepted in the first five centuries; nor do the abuses, which crept through this door into the Penitential Discipline, seem to have taken any deep root, or to have spread very far till many ages after; inasmuch as we have little, if any, mention of them in the Latin Councils down to Charles the Great, nor do I remember any complaint or any provision made against them in his Capitular. So that, having no intention to lead my reader into the darkness and corruption of the ages which succeeded the Carolinian race, I shall stop him in our own country, which is charged with the first and earliest introduction of this novel practice, and shall here endeavour

<sup>1</sup> Τοὺς δὲ ἐπισκόπους ἐξουσίαν ἔχειν τὸν τρόπον τῆς ἐπιστροφῆς δοκιμάσαντας φιλανθρωπεύεσθαι, ἢ πλείονα προστιθέναι χρόνον· πρὸ πάντων δὲ καὶ ὁ προάγων βίος, καὶ ὁ μετὰ ταῦτα ἐξεταζέσθω, καὶ οὕτως ἡ φιλανθρωπία ἐπιμετρεῖσθω.—In Concil. Ancyran. can. 5. [Hardouin. vol. i. p. 273.]

<sup>2</sup> See in Append. No. 1, Gregor. Nyssen's Canonic. Epist. with what hath been cited from Pope Leo in p. 108; In Concil. Carthag. 4, Can. 75. [Hardouin. tom. i. p. 983.] .... Ut negligentiores pœnitentes tardius recipiuntur.—In Concil. Andegavens. habit.

A.D. 453, Can. 12. .... Pœnitentia conversis pateat omnibus, et pro Episcopi æstimatione venia concedatur. .... [Only the substance of the Canon. The words are—“Pœnitentia sane locus omnibus pateat, qui conversi errorem suum voluerint confiteri: quibus perspecta qualitate peccati, secundum Episcopi æstimationem erit venia largienda.”—Hardouin. tom. ii. p. 780.] Οὐ δει μόνον πρὸς τὴν φύσιν τῶν ἁμαρτημάτων, ἀλλὰ καὶ πρὸς τὴν διάνοιαν καὶ τὴν ἔξιν τῶν ἁμαρτανόντων τὴν μετάνοιαν ὀρίξειν.—Chrysostom. in 1 Epist. ad Corinth. Homil. 15.



to trace up this evil to its source and head, since it seems on all hands agreed that we are to look for it here at home amongst ourselves.

Our famous Archbishop Theodorus is charged again as the author of this innovation; which, therefore, Morinus suggests "to have had the same original, both in point of time and of the person who introduced it, with the private penance for private sins."<sup>1</sup> Yet he seems doubtful of this upon second thoughts, and "can hardly credit it, because in the Synod of Cloveshoe, alias Clyffe, complaint was made against the abuses of these redemptions, which, he thinks, would hardly have been made whilst the memory of their author was so fresh and famous. He supposes that Cuthbert, who presided in that Synod, and was successor next but one to Theodorus, would scarce have suffered any such complaint against a practice introduced by a man so famous in his generation as Theodorus was. He, therefore, concludes, that the Capitular concerning the redemption of penance hath been since his time crammed into his Penitential by some later author."<sup>2</sup>

I shall no otherwise take upon me the defence of that Capitular, than by observing, that it will not therefore follow that it hath been crammed into his Penitential since the time of Theodorus, merely because it mentions the practice, and prescribes the method, of redemptions. The practice had confessedly obtained, when the Synod of Clyffe was assembled, and was then grown up into a grievance. It is, therefore, exceedingly probable that it had an earlier

<sup>1</sup> Itaque istius axiomatis "de peccatis occultis occulte pœnitendum"... et consuetudinis redimendarum penitentiarum eadem sunt initia, sive tempus, sive personam spectes.—Morin. de Administr. Sacrament. Pœnitent. lib. x. cap. 17, § 2.

<sup>2</sup> His consideratis vix adduci possum, ut existimem Theodorum Cantuariensem istius redemptionis pœnitentialis esse auctorem. Nam huic Concilio (viz. Cloveshoviæ) præerat Cuthbertus Theodori, uno intermedio, successor; annumque quinquagesimum primum aut alterum post Theodori obitum celebrabatur

illa Synodus. Quis credat Theodori successorem, Theodoro, viro per totum orbem Christianum celeberrimo, tam facile derogasse, illius constitutiones vellicasse, novitatis accusasse, cæterosque Episcopos unanimi consensu ista probasse? Cum igitur prava ista consuetudine invalescente, aliqui Scriptores ejusmodi redemptionum leges Theodori Pœnitentialibus inseruissent, postea exemplaria ab iis descripta, et undique disseminata multis imposuerunt, ut Theodori crederent esse quæ ipsius scriptis infarta tantum erant.—Ibid. in § 5.

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original, and at least as early as the time of Theodorus. The abuses arising thence, it is agreed, were complained of about fifty years after the decease of our Archbishop; and therefore, I say, were not, in all likelihood, utterly unknown to the age he lived in.

Cuthbert, however, could with no reason be censured, as laying an imputation upon the memory of his famous predecessor, if, in another juncture, he endeavoured to rectify those abuses, which, perhaps, were less flagrant and less extensive when Theodorus lived, and, therefore, might not call so loudly, as afterwards they did, for a cure and reformation.

Nor was it, indeed, an imputation upon Theodorus that he methodized a practice which he did not like; or that he set rules and bounds to a custom which had taken too deep a root to be wholly removed.

The argument, therefore, is plainly of no validity, which would conclude Theodorus not to have been the entire author of that Penitential, which passes under his name; merely because Cuthbert, his successor next but one, suffered the practices to be complained of, which are, indeed, methodized and tolerated, but no otherwise, I observe, recommended or encouraged in it. If he did not the best he would have done, he did, however, the best he could; and had he lived to the age of Cuthbert, would have done, in all likelihood, what Cuthbert did.

There may, notwithstanding, be reason to suspect that we have not his Penitential pure and uncorrupt, though there be no reason to suspect it corrupt in the article now before us, merely from the mention made in it of redemptions and commutations.

For though I could easily enough agree with the very learned French writer whom I now have cited, that Theodorus was not the author of this innovation, yet I cannot agree with him upon the reason he hath alleged, nor easily be brought to believe, that the practice now under consideration had a later rise.

The Penitential, then, however corrupt in some parts of it, might, in the main, be our Archbishop's; and yet he will not, therefore, stand chargeable as the author of the practice

which is therein regulated. For, indeed, the reduction of this matter to rule, and the composition of a Penitential, supposing it really to have been Theodorus's, is itself a strong presumption that it was earlier in practice, and that he only methodized what had before a being: in like manner, as the Canonical Epistles of Basil, and of his brother Gregory Nyssen, are not to be considered as rules of their own inventing, or as practices which themselves did first introduce, but as exemplifications of the discipline then prevailing, and of the usages which had, some time before, obtained in the Church.

In the Acts of the first Synod of Landaff, we have somewhat looking so like the practice, which was afterwards more fully known, that I cannot but think it had even then taken some root in the British Churches.

Mouric, one of the *reguli* in those parts, had treacherously killed a neighbouring prince, whose name was Cynetu, after he had solemnly sworn to a peace with him in the presence of Bishop Oudoceus; upon which the Bishop proceeded to excommunicate him. Mouric, the offender, after having continued for the space of two years under this sentence, humbled himself, and the Bishop assigned him penance, to which he submitted. Now the penance assigned him, we are told, was to be performed in prayers, and alms, and fasting.<sup>1</sup>

How the fastings and prayers were submitted to, the Acts of the Council do not inform us; but it is likely enough that he was, in these respects, tenderly dealt with, since "he gave four villas or manors to the Church, discharged of all servile tenures, and expressly upon this consideration, to redeem his soul." The third Council of Landaff affords us just such another instance "of Absolution given by this Bishop's suc-

<sup>1</sup> Mouricus rex et Cynetu Landaviæ conventi, præsentē Oudoceo, jurarunt firmam pacem inter se tenere. Postea Rex Mouricus dolo interficit Cynetu; Quamobrem Episcopus, convocato toto suo Clero, in plena Synodo Regem excommunicavit ... Rex spatio duorum annorum remansit sub Excommunicatione; cum videns animæ perditionem .... veniam quæsivit .... Effusus itaque lacrymis et

inclinato capite coram tribus Abbatibus, Oudoceus imposuit ei jugum pœnitentiæ, ad modum qualitatis et quantitatis tribus modis; viz. jejuniis, oratione, et eleemosyna. Pro redemptione igitur animæ suæ, quatuor villas ab omni servitio liberas Ecclesiæ Rex dedit.—In Concil. Landavens. habit. circiter A.D. 560. [Howel's Decret. Ecc. Britann. p. 9.]

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cessor to Guednerth (one of these *reguli* likewise) in the case of fratricide, which was attended with a donation to the Church of Landaff of Lann, Catguala, and Tye, with all the lands thereunto appertaining.”<sup>1</sup> It is, indeed, true that penance was, moreover, assigned to both these *reguli*; but then, as these donations were probably parts of it, and Absolution was first obtained, it is very likely that the performance of their promise in the last particular might easily pass in lieu of the rest.

Now these were facts earlier by above one hundred years than the entrance of Theodorus upon his Archbishoprick; who, in the year 668, was sent hither for that purpose by Pope Vitalian, at the request of our King Egbert, and, after some stay in France, arrived here and took possession A.D. 670. He first reconciled the whole College of British Bishops to the Roman usages, as being a man of great name and authority, and an able manager.

It is not improbable what Morinus hath conjectured, that “he did, therefore, either consent to, or introduce, the commutations of Canonical Penance, because he had to deal with a people newly converted, and who might have took fatal prejudices if the ancient discipline had been too rigorously exacted.”<sup>2</sup> But, however it be, the Penitential which bears his name hath given particular directions after what manner these redemptions or commutations were to be managed: *e. g.* “Instead of living for a year upon bread and water, the penitent was to sing fifty Psalms upon his knees, or give a certain sum to the poor, or procure a Presbyter to say Mass for him, or prostrate himself one hundred times upon the ground, and at each prostration to repeat a Pater-noster.”<sup>3</sup> So that, henceforwards, from a practice only con-

<sup>1</sup> Guednerth promittens vitæ emendationem in jejuniis, oratione, et eleemosyna, fuscis lacrymis cum magna devotione, absolutus est ab Episcopo, juncta sibi penitentia plenaria ad modum culpæ. Postea Guednerth, memor promissi, donavit Deo, Dubricio, Theliao, Oudoceo, et omnibus successoribus Ecclesiæ Landaviæ, Lann, Catguala, et Tye cum omni sua tellure.—In Concil. Landav. 3. [Ibid.]

<sup>2</sup> Hoc forsitan fecit vir prudens, ut barbaris nationibus ad fidem Christianam recenter conversis, penitendi rationem redderet faciliorem et acceptiorem, ne nimia poenarum Ecclesiasticarum duritie et acerbitate ab agenda penitentia deterrerentur.—Morin. de Penitent. in loc. citat. p. 129, note 1.

<sup>3</sup> Quinquaginta Psalmos in Ecclesia decantet flexis genibus.—In Penitential. Theodori, capitul. 3; De Redemp-



nived at, it grew to be an established rule of the Penitential Discipline.

It is very easily indeed conceivable, that since alms were always recommended as fit concomitants of penance, they should grow in time to be accepted instead of it; or, at least, if this part were well performed, in which the persons imposing it were so often interested, that other branches of the duty which they were less concerned in, should be less punctually attended to, and less peremptorily exacted, and, as corruptions came on, should sink at last into an utter desuetude and a total neglect.

Upon the whole, it can be no objection against the authority of this Penitential that these things are found in it; because they are found so soon after in unsuspected writings.

The Synod of Cloveshoe, alias Clyffe, was held, I have observed, about fifty years after the death of Theodorus; and, by that time, the practice of redemptions seems to have supplanted the other parts of penance. For we find the Bishops there entering their caveats against it, and admonishing their people not to give their alms with a view of commuting for the satisfaction they were otherwise to make by fasting and such like acts of humiliation, but rather with a prospect of amending their lives by their charity, and of sooner pacifying the Divine wrath.<sup>1</sup>

It is evident, from this caution, that people did then apprehend their alms might serve in commutation of their penance; and, therefore, it was no improbable account which I gave of the case of the *reguli* in the three Synods of Landaff; since cases of that kind, came on afterwards in the very same place, were despatched after much the same

tione illius anni quem in pane et aqua jejunare debet. .... Qui vero Psalmos non novit, et jejunare non potest, pro uno anno, quem in pane et aqua jejunare debet, det pauperibus in elemosynam 22 solidos.—In Pœnitential. Theodori, capitul. 5.

Roget Presbyterum ut missam cantet pro eo.—Ibid. cap. 6. .... Centies prosternat se in terram, et per singulas genu-

flexiones 'Pater noster' decantet.—Ibid. in capitul. 9.

<sup>1</sup> Porro non sit eleemosyna porrecta ad minuendam vel ad mutandam satisfactionem per jejunium et reliqua expiationis opera; sed magis ad augmentandam emendationem suam, ut citius placetur ira Divina.—In Concil. Cloveshoviæ, habit. A.D. 747, can. 26. [Howel, Dec. Ec. Br. pp. 19, 20.]

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manner, and we have much the same accounts of them, when these commutations were unquestionably current.

The gifts to God, to his Saints, and to his Church, when redemptions were confessedly in use, were made, I say, in the same form, and our account of them is transmitted to us in much the same expressions which were used somewhat earlier, when it is not so well agreed whether these commutations had obtained or not.<sup>1</sup>

[A.D. 967.] The Ecclesiastical laws of King Edgar mention "the building of churches, and endowing them; the making of bridges and mending the public roads; the repetition of so many Psalms, and especially liberal alms, as the known ways of buying off Canonical penance."<sup>2</sup>

"People of quality and fortune might thus commute for bodily austerities; but the poor were, unluckily, excluded from the privilege of these redemptions."

Pilgrimages to the Holy Land, and entering into military service against the infidels for its recovery, grew also about this time to be esteemed available for the pardon of sin, instead of the old Canonical penance.

And, as it was usual upon these engagements for the parties to make a special Confession of their sins, when, perhaps, they could not wait any time for Absolution, this might, probably, give birth to the practice of absolving

<sup>1</sup> Rex reconciliationem petiit. Imprimis offert Deo, S. Dubritio, Guruanno et ejus successoribus, &c. Lan, Michael, Treferiam cum tota sua libertate, &c. . . . Reconciliatus est (viz. Clotri qui rupta pace occidit Lundguallaun) accepto jugo pœnitentiæ, et immolando Deo et Sanctis, Dubritio, Teliaveo et Oudoceo, et Berthguino et omnibus sibi succedentibus in Ecclesia Landaviæ agrum Helic, et agrum Tencu, una cum quinque uncis agri, cum omni libertate, &c.—In Concil. Landav. 14, habit. A.D. 887. Vide p. 131, note 1; p. 132, note 1. [Cf. Howel, p. 33.]

<sup>2</sup> Peccatorum compositiones apud Deum fiant variis modis: sed ad eorum solutionem plurimum conducunt elemosynæ. Cui facultas suppetat, Eccle-

sias in laudem Dei ædificet, adjiciat prædia, &c. . . . Instauret vias publicas, et aquis inviis et locis cœnosis pontes adjungat.—De Pœnitentis Indiciis, § 13, 14. . . . Quisque potest unius diei jejunium unico denario redimere; potest etiam unius diei jejunium 220 psalmis redimere.—[§ 18, in Howel's Dec. Ecc. Brit. p. 53.]

Hæc est pœnitentiæ alleviatio Magnatum qui copia rerum fruuntur; sed non datur inopi sic procedere. Æquissimum enim est, unusquisque suas per se luat iniquitates. De pœnitentia Magnatum.—Ibid. in Leg. Eccles. Edgar. lat. in Concil. habit. sub Dunstan. Archiepisc. Cant. circiter A.D. 969. [Howel's Decret. Ecc. Britan. p. 54.]

immediately upon the act of confessing; whereas, according to the ancient practice, penance intervened between the one and the other, and the party was not absolved till, after his Confession, he had made due proof of his real conversion.

But I am weary of pursuing this subject through so much dirt and mud, as every man must wade through, who shall minutely trace the several deviations which time hath brought on, from the primitive to more modern practices; and, therefore, I shall here endeavour to relieve myself and my reader by a change of the scene, and by diverting from this to another prospect.

SECTION III.—*Of the Separation of the two Jurisdictions from each other, which were originally lodged in the same hands, and proceeded together with equal paces, viz. 1, That which respected the conscience of the sinner, and the forgiveness of his sin; and, 2, That which only referred to outward Discipline, and to the Privilege of Church Communion.*

Through all the periods which have hitherto been traced, these jurisdictions seem not to have been separated; but he who absolved from sin did likewise absolve from Censure. For as soon as ever the penitent had gone through the stages assigned him, and solemn prayers had been offered up to God for his pardon, he received his last imposition of hands from the chief Minister, and then was restored to his ancient seat and privilege; and this, for many centuries, was esteemed his Absolution.

The private way of absolving for private sins, made the first breach in this practice; afterwards the redemption of Canonical satisfactions, by various methods of commutation, made a further change in it; and, upon this foot, the Penitential Discipline subsisted for one thousand years, till the gross and growing barbarism of the laity made Churchmen necessary to secular courts, for the support and discharge of all great offices. The Canon law was rising up, moreover, at that time to a bulk, which entituled it soon to a distinct and entire study. Within this period, likewise, the Schoolmen had brought in vogue another sort of learning than

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what former times had been acquainted with ; so that they and the Canonists had divided between them the whole compass of literature as it stood in those ages.

Now, it was on all hands agreed that the public discipline was to be regulated by the Canons of the Church ; the Bishops were, for their parts, too much engaged in secular matters to attend it in their own persons ; and very many cases were now grown subject to their authority ; so that it was become absolutely necessary to take in help, and to turn off the weight of such various encumbrances from their own to some other shoulders.

The Schoolmen had introduced a way of thinking and distinguishing, which involved and perplexed the Canon law, whose bulk of itself was a growing burden, and very likely to employ the ability and study of any man who would pretend to make himself a master of it : so that, all these circumstances concurring, the Ecclesiastical Court, which heretofore consisted of the Bishop and his Presbyters, came thus to be devolved upon some one person whom the Bishop thought fit to substitute, for hearing and determining all matters of Ecclesiastical cognizance ; which, by the piety of diverse Christian Emperors, from the first famous Constantine downwards, were grown to be very numerous and extensive : these Emperors thought that, by deferring so much to the judgment of the Bishops, and by granting appeals to them, they should, with the increase of their power, procure also for them an increase of respect and reverence.

By these means, the power which originally belonged to them as Bishops, and that which accidentally accrued to them by the favour of secular princes, came in part to be confounded with each other ; and thus, whatever the Canons of the Church took cognizance of, or was otherwise determinable by Ecclesiastical authority, though the Imperial laws were the rules by which it was determined, came all into the hands of that person, who was substituted by the Bishop to preside in his Courts, and to pass judgment upon the several causes which were brought into them.

Among these, the public Penitential Discipline was one of many, which, so far as it was public, and governed by the



Canons of the Church, became thenceforwards the province of the Bishop's court, and was managed by the person who was appointed by the Bishop to preside in it.

The Bishop himself was usually now absent, engaged in the entanglements and intrigues of secular business. His Presbyters, who were used to be of his Council, were now assigned to distinct Cures, and managed the consciences of their people by private penances, which were grown by this time to be esteemed Sacramental, and had left, indeed, very little use of the public practice.

Morinus will not allow, that this distinction of the judicial from the penitential court, did obtain till the twelfth century; although, as the private management of Ecclesiastical Discipline had long been gaining upon the public, the grounds of that distinction must have been laid much earlier; however, the Bishop might not sooner transfer upon any third person the part he bore in the administration of public discipline.<sup>1</sup>

But all this notwithstanding, it doth not even yet appear that any, besides Presbyters, were intrusted with such a power; both practisers and judges in these courts being usually in holy Orders; the men who were so, being, indeed, the only persons who had any measure of learning, or who could so much as read and write.

<sup>1</sup> Verum circiter annum centesimum supra millesimum, aut paulo post, antiquarum pœnitentiæ usu decrescente, crevit mirum in modum in civiles laïcorum causas Episcopalis auctoritas. Cum autem Theologiæ scholasticæ fundamenta eodem tempore jacerentur, brevique scholas omnes occupasset, Forum pœnitentiale in praxi separari cœptum est a judiciali, et in varias personas transferri; ne Episcopi, eorumque vicarii negotiorum tam Ecclesiasticorum quam laïcorum mole opprimerentur. Et licet hoc posterius, auctoritate, virtute, Spiritusque, S. communicatione priori plurimum cedat; Primario tamen alicui Presbytero cæteris dominaturo delegatum est; prioris vero exercitium inferioribus et vilioribus Presbyteris demandatum. Ille igitur Primarius Presbyter, Episcopi Vicarius, civiles omnes criminalesque

Clericorum causas, necnon laïcorum plerasque judicavit; sed cum juris formulis, strepituque et tumultu forensi; censurasque Ecclesiasticas pro prudentia sua solus pronunciavit; vel a jure illatas solus declaravit et executus est; solus quoque ab iisdem absolutionem concessit; quam culpæ et peccatorum expuntricem esse noluit, ne forum suum judiciale et externum cum pœnitentia et interno confunderet; neve (quod necesse fuisset) longas et multiformes secretæ omnium peccatorum confessionis ambages audiendo defatigaretur. Ideo nova absolutionis ab excommunicatione formula condita est, non tantum indicativo modo enunciata, sed etiam in qua nulla remissionis peccatorum mentio fieret.—Morin. de Administrat. Pœnitent. lib. i. cap. 9, § 6.

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Much earlier than the period we are now got into, viz. in the latter end of the eighth and the beginning of the ninth century, the laity were forced to be stirred up by the Canons of the Church, and by express admonitions from their Bishops, "to learn the Creed and the Lord's Prayer;"<sup>1</sup> and especially to understand the full importance and sense of the latter.<sup>2</sup>

So the Capitular of Theodulph, Bishop of Orleans, and the first Council of Rheims, may inform the reader.

The state of the Church was then under the regulation and care of the Carolinian family; and when that line of princes failed, things went daily worse with it, and corruption and ignorance had a more fatal progress. It is, therefore, by no means likely, that the twelfth century should have furnished any number of men out of the laity who were fit for the purpose of presiding in the Bishop's courts; nor, indeed, was it probable, that in the very first appointment of such a new officer, the Bishops should look for him where there was so little choice, or that they should shock the minds of their people by commissioning a person whose powers might be questioned. It was a sufficient stretch of their authority to quit the business themselves, and to consign it over to another. It is not easily to be imagined, that when they had ventured to make this innovation, they should choose, at the same time, to make a second, by vesting a layman with powers generally esteemed Sacerdotal.

It must not, however, be dissembled, nor shall any consideration prevail with me to dissemble what may help to give my reader a just idea of this whole business, that towards the latter end of the twelfth century, viz. A.D. 1179, Pope Alexander the Third recites his having given a commission to the (then) Bishop of London, "that he might delegate such causes, whereof he was by him (the Pope) appointed to take cognizance to any one or more persons

<sup>1</sup> Omnes fideles orationem Dominicam et symbolum discant.—In Capitul. Theodulph. Episcop. Aurelian. A.D. 797, cap. 22. [Hardouin. tom. iv. p. 917.]

<sup>2</sup> Orationem Dominicam quisque dis-

cat, et sensu bene intelligat.—In Concil. Rhemens. i. habit. A.D. 813, can. 2.

[Ut orationem, quam Dominus noster Jesus Christus discipulos suos orare docuit, verbis discerent, et sensu bene intelligerent.—Hardouin. tom. iv. p. 1018.]

as he should judge expedient," without naming their qualifications.<sup>1</sup>

This of itself would, I acknowledge, conclude nothing with certainty. But in the century next succeeding, the distinction, I observe, was current between the key of order and the key of jurisdiction; and Aquinas, who lived in this thirteenth century, hath clearly told us, that "the key of jurisdiction, which doth not directly, but accidentally, open the gate of Heaven, by the medium of Church Communion, may be, allowably, lodged in the hands of a person who is not entituled to the key of order."<sup>2</sup> And, again, "Since Excommunication hath no direct nor immediate reference to grace, persons, who are not Priests, having jurisdiction in the legal court, might, in his opinion, excommunicate."<sup>3</sup>

This hath, ever since, been the received doctrine and practice of the Roman Church, from which we took it, and have not yet reformed it. The learned reader may observe, from what is here cited out of Estius, that his opinion chimed in with that of Aquinas.<sup>4</sup>

Meanwhile, they who are loudest in their outcries against this, which they look upon as a corruption, and who have us, they think, at great advantage upon this article, should be desired to consider, that whatever of this kind is done in our Ecclesiastical Courts, doth really proceed from the

<sup>1</sup> Cum tibi sit de benignitate sedis Apostolicæ indultum, ut causas, quas de mandato nostro suscipis terminandas, liceat tibi personis aliis uni vel pluribus delegare, &c.—In Appendic. Concil. Lateran. 3. [Hardouin. vol. vii. p. 1741.]

<sup>2</sup> Clavis est duplex; una quæ se extendit ad ipsum cælum immediate, removendo impedimenta introitus in Cælum per remissionem peccati; et hæc vocatur Clavis Ordinis; et hanc soli sacerdotes habent, quia ipsi soli ordinantur populo in his quæ directe sunt ad Deum.

Alia clavis est, quæ non directe se extendit ad ipsum Cælum, sed mediante militante Ecclesia, per quam aliquis ad Cælum vadit, dum per eam aliquis excluditur, vel admittitur ad consortium Ecclesiæ militantis, per Excommunicationem et Absolutionem; et hæc vocatur clavis jurisdictionis in foro causarum;

et ideo hanc etiam non sacerdotes habere possunt; sicut Archidiaconi, et electi, et alii qui excommunicare possunt. Sed non proprie dicitur clavis Cæli, sed quædam dispositio ad ipsam.—Tho. Aquin. in sum. Theolog. Supplém. 3, Part. Quest. 19, Art. 3.

<sup>3</sup> Quia Excommunicatio non directe respicit gratiam, etiam non Sacerdotes, dummodo jurisdictionem in foro contentioso habeant, possunt excommunicare.—Ibid. in Quest. 22, Artic. 2. [transposed.]

<sup>4</sup> Solis quidem Sacerdotibus forum pœnitentiæ ex Divina institutione commissum est; at non solis administratio fori exterioris; cum nulla ratio cogat, neminem posse jurisdictionem Ecclesiasticam in foro exteriori exercere, qui non sit Sacerdos.—Estius in lib. iv. Distinct. 18, § 14. [ad fin.]

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Bishop's authority, and is virtually his act, as being performed by persons who are appointed by him for this very purpose; and that it was, moreover, no unusual practice with the Bishops even of the purest ages to devolve this office, in cases of necessity, upon persons who, in ordinary cases, were not thought entitled to the power of the keys, and who might not use them but in such occasional emergencies. St. Cyprian hath allowed "a Deacon to reconcile upon a sick bed, where no Presbyter could be procured;" and yet it was not originally in the Deacon's commission to exercise any such authority, but the Bishop did occasionally appoint him for that purpose: so the power was the Bishop's, and the ministry of it did only then appertain to the Deacon when such a case should happen as the Bishop did allow it in.<sup>1</sup> Our adversaries here make no great reckoning of a Deacon's power; let them tell us then why, if the Bishop had so been pleased, he might not in this example have committed the exercise of it to a mere layman, since, according to them, the Deacon, by virtue of his being a Deacon, hath really no more authority in these matters than a layman hath, so that the occasional grant from the Bishop is all at last which can in either case be pleaded.

I do not, indeed, find that even Presbyters had originally this power, otherwise than by such occasional delegations from the Bishop; who ordinarily exercised it in his own person, and did then only intrust his Presbyters with it, when, in his own absence or distance, the urgency of the case required a speedier application of it.<sup>2</sup>

The first introduction of lawyers into the service of the Church took its rise from a request of the African Bishops, "who desired to have such advocates for their Churches as the Heathen Priests had for their temples, and for all matters and causes which did any way appertain to them;"

<sup>1</sup> Occurrendum puto fratribus nostris, ut si incommodo aliquo, et infirmitatis periculo occupati fuerint, non expectata præsentia nostra, apud Presbyterum quemcunque præsentem, vel, si Presbyter repertus non fuerit, et urgere exitus ceperit, apud Diaconum quoque Exhomologesin facere delicti sui possint, ut

manu eis in pœnitentia imposita, veniant ad Dominum cum pace.—Cyprian. in Epist. [18. Fell. p. 40.] See, moreover, what was cited in p. 93, from the Council of Eliberis, note 3.

<sup>2</sup> See what hath been written and cited in chap. ii. part 2, § 2.



and added, moreover, to their petition, that “these Christian advocates might be permitted to enjoy the same privileges which the Imperial law did at that time allow to the Heathen.”<sup>1</sup> These were called defenders of the Churches; who sat afterwards as judges in Ecclesiastical causes.

This request of the African Bishops was granted two years after by the Emperor Honorius. It was judged at that time of such importance to the Churches, that, if we might believe the conjecture of a man whose very assertions are usually disputable, the request was repeated for it.<sup>2</sup> And thus, as the right reverend and very learned Bishop Stillingfleet, *ὁ μακαρίτης*, hath well observed, we are hence to date the practice and presidency of lawyers in matters relating to the Church.<sup>3</sup>

But it was long after this before they intermeddled with her Censures; not till the Schoolmen had formed their subtle distinctions, nor till the Bishops, engaging too deeply in secular affairs, gave too great occasion for laymen to change posts with them, and to mix with Spirituals.

Since the distinction hath obtained, which hath here been mentioned, between the two courts, the *forum internum* and *externum*, those more scandalous and grievous crimes, which anciently were punished by the Bishop with the highest sentence of Excommunication, till the parties were brought to a sense of them, and thence to a desire of public penance, these, I say, have ever since been left to the Bishop’s courts, and have been managed there by the key of jurisdiction.

Other sins, of a less heinous dye, were either assigned in the primitive times to the public Exhomologesis, or else, as Pacian, Ambrose, and Austin, have informed us, were judged to be curable by prayers and alms, and by better care for

<sup>1</sup> Placuit etiam ut petant ex nomine provinciarum omnium legati perrecturi, Vincentius et Fortunatianus, a gloriosissimis Imperatoribus, ut dent facultatem defensores constituendi scholasticos, qui in actu sunt, vel in munere defensionis causarum, ut more sacerdotum Provinciæ, iidem ipsi qui defensionem Ecclesiarum susceperint, habeant facultatem pro negotiis Ecclesiarum quoties necessitas flagitaverit, vel ad obsistendum

obrepentibus, vel ad necessaria suggerenda, ingredi judicium secretaria.—In Concil. Carthag. 6. habit. A.D. 407. [xcvii. Hardouin. tom. i. p. 919.]

<sup>2</sup> Serius, forte etiam ad iteratam Patram Africanorum postulationem lata (lex) hoc demum anno 409.—Marvil. Not. in Cod. Theodos. tom. i. p. 106.

<sup>3</sup> In Antiquit. Brit. Church. chap. 2, p. 82, [p. 51, vol. iii.]

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the future. Then there appears to have been no middle practice of private penances or of private Absolutions.<sup>1</sup>

These less heinous crimes were what Tertullian called the sins of daily incursion, the common frailties and errors of human life; which the Montanists cured by solemn penance, and the Church by daily prayer.<sup>2</sup>

To these lighter transgressions Tertullian opposed those enormous and crying sins of idolatry, murder, and uncleanness, into which if any Christians fell, they were by the Church admitted to reconciliation through penance, but were excluded by the Montanists from all access to Communion.

Tertullian makes no other distinction than of these two sorts, and seems, therefore, to have left no room for that third species of sins which Morinus fain would fasten upon the ancients as the foundation of all that discipline which is exercised at present by the Roman Priests in the interior courts, viz. that of the penitent's conscience.<sup>3</sup>

For, indeed, that whole range of offences which Tertullian hath placed under the head of daily incursion, and which the Primitive Fathers taught to be curable by daily prayer, is now the main subject of the Penitential Discipline in the *forum internum*, as it is at present managed by the Latin Church between Priest and people.

Anciently, as people were better affected, St. Cyprian hath informed us that even for the lightest offences they chose a submission to public penance. But then it was not forced upon them; they were commended, indeed, for their zeal, but it was not required from them.

There could not well be a less instance of offending than

<sup>1</sup> See them cited in p. 85, notes 1, 2, 3, with what Gregory Nyssen hath directed upon the same occasion in his Canonical Epistle, which the reader may find in the Appendix, No. 1.

<sup>2</sup> Nam nec ipsi excidimus a qua digressi sumus distinctione delictorum. Et hic enim illam Johannes commendavit, quod sint quedam delicta quotidianæ incursionis, quibus omnes simus objecti. Cui enim non accidit, aut irasci inique, et ultra solis occasum; aut et manum immittere, aut facile maledicere, aut temere jurare, aut fidem pacti de-

struere; aut verecundia aut necessitate mentiri; in negotiis, in officiis, in quæstu, in victu, in visu, in auditu, quanta tentamur, ut si nulla sit venia istorum, nemini salus competat? Horum ergo erit venia per exoratorem Patris Christum. Sunt autem et contraria istis, ut graviora et exitiosa, quæ veniam non capiant; homicidium, idololatria, fraus, negatio, blasphemia utique et mæchia, et fornicatio, et si qua alia violatio Templi Dei.—Tertull. de Pudicit. c. 19.

<sup>3</sup> Morin. de Administrat. Penitent. lib. v. cap. 31.

by a thought never brought into act; yet even for this we are told that the parties humbled themselves, and chose to bear a part in the public Exhomologesis.<sup>1</sup> This is mentioned to their advantage, and imputed to an extraordinary degree of their faith and their fear of God.

The private Confession, which obtained in the Primitive Church, seems, indeed, to have been originally designed for this purpose, that if the sins of the penitent which were so confessed did deserve it, he might be brought to public humiliation for them; and if they did not deserve it, that then he might have the satisfaction and comfort of knowing himself to be still entitled to the peace of the Church and to the Communion of Saints; that neither any excess of humility on the one hand, nor of partiality nor self-love on the other, might mislead him in the judgment which he passed upon the state of his own soul.<sup>2</sup> And it is still, I conceive, recommended by our Church for the same reasons, whenever a man shall find himself in want either of comfort or counsel.<sup>3</sup> Which is a modest and sober temperament between the rigours of those who universally require it, and the carelessness of those who indiscriminately reject it.

However, the same hands which had the administration of public discipline lodged in them, were likewise heretofore intrusted with all the preparatory steps which led to it. There were not then, I mean, as now, two courts established, one for outward jurisdiction, and another for the heart and conscience of the sinner; but the same officer who had the direction of the one had the management of the other, and did either assign to the penitent the proper measure of his punishment, or else upon a view of his case did assure him that he had not deserved it.

There was anciently, therefore, no third sort of practice between public humiliation and an entire release from all Ecclesiastical bonds; nor, consequently, any room for the

<sup>1</sup> Quanto et fide majores et timore meliores . . . qui nullo facinore constricti, quoniam tamen de hoc vel cogitaverunt . . . Exhomologesin . . . faciunt? &c.—Cyprian. See the whole passage cited in p. 36, note 1.

<sup>2</sup> Ut si praverit talem esse languorem tuum, qui in conventu totius Ecclesie exponi debeat et curari.—Origen. cited in p. 33, note 3.

<sup>3</sup> See in our Liturgy Exhortat. in the Communion-office.

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distinction now prevailing between the court of conscience and the court of exterior jurisdiction. Either the penitent was obliged to take upon himself the shame of his sin in the face of the congregation, or else he was at liberty to pursue his own measures; however, he might think fit to take along with him the advices of a Ghostly counsellor, or might impose upon himself any discretionary austerities.

What we find in the Fathers concerning this matter can never support the present doctrine and practice of the Latin Church, as to private penances obtruded for laws obliging the conscience.

The cure which they mention of sins scarce avoidable, such as have been cited from Tertullian, and were mentioned afterwards by Austin, can never, as I apprehend, come under the notion of punishment or penance, since it would be a scurvy imputation upon the piety of a penitent to suppose him mortified by alms, or prayers, or by any obligations to future diligence in good works.

Yet these were then the only methods of cure for such offences, as were not to be expiated by the public Exhomologesis.

Upon the whole, I observe, both of the one and of the other, that the direction of the penitent's conscience, and the assignation of his proper penance, were intrusted originally with the same hands, and that the key which opened the door of Heaven was understood to open the door of the Church.

SECTION IV.—*Of the Variation of the Form in Absolving, which, from deprecatory and optative, grew about the same time with the preceding change to be peremptory and indicative.*

This had been no improper consequence upon the preceding change had the indicative form been reserved to those who have now the key of jurisdiction, and, as such, profess only to exclude from, or restore to, the external privilege of Church Communion; but it seems abundantly less becoming and less proper from the mouth of those who profess

See him  
cited in  
p. 142, note  
2; and  
Austin, Am-  
brose, and  
Pacian,  
p. 85, notes  
1, 2, 3.



to deal with the conscience of the sinner, and to restore him directly to the favour of God by releasing him immediately from the bond of sin.

When the administration of these two offices was in one hand, the course was, for Priest and people to intercede with God for the pardon of the penitent, and after the appointed Stations of penance were gone through, he was, by imposition of hands, restored in full to the Communion and peace of the Church. See what is cited in p. 64, note 1.

What, or whether any, form of words was used at the instant of so restoring him, besides the intercessions which had all along been previous to such his restoration, I have not been able to find out, but am rather inclined to think there was none, and that his restoration followed in course upon his having finished the term assigned him for his continuance under the Penitential Discipline: the Constitutions only direct, that after the intercessions of the Church and the last imposition of the Bishop's hands he should be suffered to remain in the same fold with the rest. What the form of intercession was, the reader may see in the Appendix. Append. No. 4. But then this was a part of the constant and standing service for penitents during the whole time of their being numbered with that order, and so doth not seem peculiar to the article of their restoration.

Indeed, had there been after this any other form of restoring them to Communion, it might very properly have been indicative, as an act of direct authority in the officer who performed it; and so might have run thus, "I restore thee, I absolve thee;" or to the like effect.

But in the immediate act of pardon, as applied directly to the sinner's conscience, the case appears somewhat different; and where the power is only ministerial, it seems not, as I humbly apprehend, so reasonable nor decent for it to carry the face of supreme magistracy, nor of the highest and most direct authority.

I have nowhere read that any other character was assigned in this matter to the Priest, for very many centuries after our Saviour and His Apostles, than that of intercessor.

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The passages cited from Ambrose,<sup>1</sup> Chrysostom,<sup>2</sup> and Leo,<sup>3</sup> prove indeed this, and no more than this, to have been his just character. The ancient Penitential Formularies, from that of Johannes Jejunator among the Greeks,<sup>4</sup> and from that of Theodorus among the Latins, to the thirteenth century, are all of them deprecatory. The custom of expressing this in the optative way, and in the third person, was introduced gradually, and mixed with the precatory forms, not unlike to that form of Absolution which the Priest uses in our Communion-office just after the general Confession; and, to this, in some process of time, was subjoined the present indicative form, "I absolve thee." But then this was first introduced after a prayer had been put up to God for the penitent's forgiveness, much the same with that which our Church hath recommended in her Office for the Visitation of the Sick.

The Council of Trent hath commended the use of prayer in absolving, but hath, at the same time, disowned the necessity of it, asserting the proper form and essence of it to consist in these words, "I absolve thee."<sup>5</sup>

Aquinas, upon the question, "Whether the form of the Sacrament of Penance doth not consist in these words, 'I absolve thee,'" hath started more objections against it than he well knew how to answer, though the times he lived in obliged him to attempt it. He confesses that, "in some Absolutions, which were even then allowed of, the form was still optative, and not indicative."<sup>6</sup> He quotes a passage from Pope Leo the Great, which proves the form in his

<sup>1</sup> Homines in remissionem peccatorum ministerium suum exhibent, non jus aliqujus potestatis exercent.—Ambros. de Spiritu Sancto, [lib. iii. c. 18, p. 693. Ed. Bened.]

<sup>2</sup> Μισῶται Θεοῦ καὶ τῶν πιστῶν αὐτοῦ.—Chrysost. Hom. iii. de Incomprehens. Dei Natura. [Cf. Apost. Const. ii. 25.]

<sup>3</sup> Pro delictis pœnitentium Precator accedit.—Leo in Epist. [136, Quesn.]

<sup>4</sup> See in Append. Nos. v. vi.

<sup>5</sup> Quibus quidem verbis (viz. Ego te absolvo) de Ecclesiæ sanctæ more, preces

quædam laudabiliter adjunguntur; ad ipsius tamen Formæ Essentiam nequam spectant, neque ad ipsius Sacramenti administrationem sunt necessariæ.—In Concil. Trident. Sessio : 14, cap. 3. [Hardouin. xi. p. 91.]

<sup>6</sup> In quibusdam Absolutionibus, quæ in Ecclesia publice fiunt, absolvens non utitur oratione indicativa, ut dicat, Ego vos absolvo; sed oratione deprecativa, cum dicit, Misereatur vestri Omnipotens Deus.—Tho. Aquin. in Sum. Theolog. Part. iii. Quæst. 84, Art. 3.

time to have been by way of supplication. He observes very justly, and argues from it very pertinently, that to "absolve from sin is the very same with remitting sin; but that God only remits sin, who alone can cleanse the inner man from it."<sup>1</sup>

Thus he hath put the objection fairly and strongly, and hath made no other reply to it than the following faint one: "That the commission was peremptory (whatsoever ye shall loose, not whatsoever ye shall desire to have loosed);" that "Leo is to be understood of prayer preparatory to Absolution," which, though *gratis dictum*, yet proves, by the way, that prayer made then a part of the Office in absolving; and that "God only remits sin authoritatively, but yet the Priest does it ministerially," which is, indeed, true, though not, to his point, conclusive.

Morinus is more unreserved and free in his acknowledgments of the change which the modern practice hath introduced upon the primitive; to such a degree, that he confesses, "He could hardly lay down any one proposition concerning the reconciliation of penitents, as practised among the ancients, but what must contain somewhat very different from the modern usage;"<sup>2</sup> and, in this particular, concerning the form it was of old expressed in, he hath clearly given it on the side of prayer. All his collections shew it till as low as the twelfth century, when, as he hath observed from Alexander Halensis, there "began a mixture of the deprecatory and indicative ways in conjunction with each other."<sup>3</sup>

<sup>1</sup> Leo Papa dicit, quod indulgentia Dei nisi supplicationibus Sacerdotum nequit obtineri. Loquitur autem de indulgentia quæ præstatur pœnitentibus. —Tho. Aquin. Ibid.

Idem est absolvere a peccato, quod peccatum remittere; sed solus Deus peccatum remittit, qui etiam solus interius hominem a peccato mundat. — Ibid.

Ista forma assumitur ex ipsis verbis Christi, quibus Petro dixit, Quodcumque solveris super terram, &c. . . . unde in Sacramentali Absolutione, non sufficeret dicere, Misereatur tui Omnipotens Deus. Præmittitur tamen, etiam in Sacramen-

tali Absolutione, talis oratio, ne impediat effectus Sacramenti ex parte pœnitentis.—Ibid.

Verbum Leonis est intelligendum quantum ad deprecationem quæ præmittitur Absolutioni.—Ibid.

Solus Deus per auctoritatem et a peccato absolvit, et peccatum remittit; Sacerdotes tamen utrumque faciunt per ministerium.—Ibid.

<sup>2</sup> De pœnitentium reconciliatione unaquæque propositio aliquod huic tempori inusitatum continet. — Morin. de Pœnitent. lib. ix. cap. 1, § 1.

<sup>3</sup> Incunte sæculo duodecimo, mediæ cujusdam formulæ, quæ deprecatoria

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“The Priest,” saith the aforementioned Halensis, “sustains the double capacity of mediator from God to man, and from man to God. By his means the sinner ascends to God; and, in this respect, he (the Priest) is the sinner’s mouth. As by his means, likewise, God descends to man; and, in that respect, the Priest is the mouth of God. In his ascent to God, he performs the part of an inferior and a supplicant; but in descending from God to man, he bears the part of a superior and a judge. In the first way, he is qualified for obtaining grace by his supplication on the sinner’s behalf. In the second way, his province is reconciling the sinner to the Church. In token of this, there is premised to the formulary of Absolution a prayer by way of deprecation; and then the Absolution itself follows, which is pronounced indicatively. The prayer obtains it, the Absolution itself presupposes the grace of forgiveness. Since the Priest would never absolve, but upon a presumption that the party was already absolved by God.”<sup>1</sup>

The passage here cited clearly shews us upon what principles, and with the help of what distinctions, this innovation was brought into the Church of Christ; that the indicative way was only at first understood to reconcile to the Church, whilst the deprecatory was what procured from God the penitent’s pardon.

Even in this very century there doth not appear to have been any settled notion of the Priest’s direct agency in the forgiveness of sin, other than what followed upon his administration of the Gospel-Ordinances.

Whether Hugh of St. Victor, or Robertus Paululus, were

simul erat et indicativa, usus invaluit.—Morin. de Pœnitent. lib. viii. cap. 9, § 27, h. See them in Append. Nos. v. and vii.

<sup>1</sup> Sacerdos per potestatem clavis Mediator est Dei ad hominem, et hominis ad Deum. Unde per ipsum peccator ascendit ad Deum, et sic est Sacerdos os peccatoris, sive loquens de peccatore; et per ipsum descendit Deus ad hominem, et sic est Sacerdos os Dei, eo quod separatur pretiosum a vili. Secundum quod ascendit, habet se per modum inferioris et supplicantis; secundum quod descendit, per modum superioris et judi-

cantis. Secundum primum modum, potest gratiam impetrare, et ad hoc est idoneus: Secundum secundum potest Ecclesiæ reconciliare; et ideo in signum hujus, in forma Absolutionis præmittitur oratio, per modum deprecativum, et subjungitur Absolutio per modum indicativum. Et deprecatio gratiam impetrat, et Absolutio gratiam supponit, nunquam enim Sacerdos absolveret quenquam de quo non præsumeret, quod esset absolutus a Deo.—Alexand. Halens. 4. part. Sum. Quæst. 21, Memb. 1. [p. 339, Venet. ap. F. Franciscum, fol. 1575.]



the author of what is published under the name of the former, by Melchior Hittorp, in his Collection of Divine Offices, they both of them flourished in this twelfth century, and therefore may, either of them, attest the current usages and tenets of it.

Thus, therefore, one of them is found expressing himself, "God, only, forgiveth sins; yet the Priests have a portion of this authority committed to them, inasmuch, as God forgiveth by their means and ministry. But the Priests are said to forgive sins, in regard to their administration of those Ordinances, in and through which, sins are remitted by Divine authority; or else, in regard to their loosing him who is bound in the bond of Excommunication."<sup>1</sup>

Thus, again, Mr. Petit, in his "Excerpta," published with the Capitular of Theodorus, hath represented the case of Absolution after much the same manner, from MSS, which are certainly of very modern date, because they recite to us very modern practices and opinions.

What he hath taken from a MS. out of the Royal Library of Navarre, entitled "A Penitential Formulary," hath acquainted us that "the Priest binds or looses: 1, As he declares, or shews, the party to be bound or loosed (which he does by the key of knowledge or discernment); 2, As he imposes or relaxes Canonical penance; 3, As he exercises the power of Excommunication," &c.<sup>2</sup> Not a word, as yet, of his applying a direct and peremptory pardon.

Again, what the same author hath published from the Summ of Cardinal de Chorcon, will inform us that the notions of Absolution, in the peremptory way, had not

<sup>1</sup> Solus Deus peccata dimittit. Habent tamen auctoritates, quod Sacerdotes peccata dimittunt, et quod Deus per eos ea dimittit: sed Sacerdotes peccata dimittere dicuntur, quia Sacramenta ministrant, in quibus et per quæ peccata auctoritate Divina dimittuntur. Vel ideo Sacerdotes peccata dimittere dicuntur, quia eum, qui pro peccatis suis Excommunicationis vinculo ligatus fuerat, absolvunt.

Hugh a St. Victor. Erudit. Theolog. in Specul. Eccles. apud Melchior.

Hittorp. de Divinis Ecclesiæ Cathol. Offic.

<sup>2</sup> Primo ligant [Sacerdotes], id est, ostendunt aliquem ligatum et solum. Secundus modus est ligandi, cum satisfactionem penitentiae confitentibus imponunt, vel solvendo de ea aliquid. Tertius modus ligandi est, qui fit per Excommunicationem, &c.—Excerpt. 5, ex Codice MS. Bibliothec. Reg. Navar. sub titulo Formularii Penitentialis, apud Capitul. Theodor. Edit. per Mr. Petit, [p. 357.]

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generally obtained, when yet the doctrine of Purgatory was current and established.

"There are," says he, "two sorts of binding and loosing : one, respecting the crime, from which God alone can absolve ; the other, respecting a four-fold punishment : 1, Of Penance ; 2, Of Excommunication ; 3, Of Purgatory ; and 4, Of Hell. Concerning the three former of these, the agency of the Priest, in conjunction with that of God, was held available to the penitent's relaxation."<sup>1</sup>

"But as to the Priest's agency in the pardon of sin, the solution was, that after God had pardoned it, the Priest did, in a certain manner, pardon it too ; inasmuch, as he discerned the contrition of the penitent, and perceived that God, by His Own authority, had cancelled all his guilt. So that the Priest approved and ratified in his court what God had before determined in this affair, and was, as it were, the herald of God to proclaim the penitent's pardon ; which proclamation was called the Priest's Remission of the Sin, and was chiefly valuable for restoring the party to the privilege of Communion."

Our author, we see, was not wanting in good-will to the Priestly function ; but yet he was forced to fetch a compass before he could give a good account of this matter ; and even then did not venture to ascribe to the Priest a direct or peremptory Absolution of the penitent from his sin.

But in the thirteenth century, it was apparently a ruled case, that such as received the Confession of penitents should

<sup>1</sup> Est autem ligatio vel Absolutio una culpæ, et ab illa solus Deus absolvit ; alia pænæ quadruplicis ; scilicet pænæ pœnitentialis, pænæ excommunicationis, pænæ purgatorii, et pænæ gehennalis. A prima absolvit Deus simul et Sacerdos, et ligat tam Deus quam Sacerdos. Similiter a secunda . . . De tertia similiter dicimus . . . Ultima pœna . . . semel ligatum nec Deus nec homo solvit . . . Hic ergo oritur quæstio, utrum Sacerdos dimittat peccata ; cum auctoritas Augustini dicat, Nemo dimittit peccata nisi solus Deus . . . Nos solventes dicimus, quod aliud est forum pœnitentiale, quod est intra Ecclesiam militantem, et aliud est illud arcanum propitiationis et electionis

Divinæ, in quo Dominus, &c. . . . Remittit omnia peccata pœnitentis. Et postmodum Sacerdos in suo foro suum modum habet remittendi eadem peccata, quoniam ipse scilicet percipit contritionem in isto, et percipit quod Deus omnia sua auctoritate dimisit in eo. Tunc siquidem approbat in suo foro et iudicio quod Deus prius fecit, et quasi præconis voce ostendit dimissa peccata ipsius. Quæ ostensio hic dicitur remissio. Et hoc plurimum valet, quia per talem ostensionem recipitur in gremium Ecclesiæ, &c.—Excerpt. 3, ex. Sum. Mri. Roberti de Chorceon, in Quæst. 3, de Clavibus, [pp. 374, 375.]

absolve them precisely in the form subjoined; "By the authority vested in me, I ABSOLVE thee from thy sins."<sup>1</sup>

This was the Constitution of Cardinal Othobon, in a national Council held at St. Paul's, London, and thenceforwards the form hath all along been indicative.

Morinus hath proved, by a whole cloud of witnesses, that the ancient forms of Absolution ran all in the way of intercession; yet hath he most strangely concluded that way to be now invalid, and for no better reason than because we are now got into another custom, which is approved by wise men, and not disallowed by the Pope; and which may not, therefore, in such circumstances, be balked or altered, without defeating the efficacy of the Ordinance so administered."<sup>2</sup>

I do not any where remember to have read a passage savouring so strongly of an implicit subjection, as this very submissive one of our learned author; which, in him, is the more surprising, because his representations, for the main, are candid and ingenuous.

Great, indeed, is the power of custom, if it shall not only warrant a notorious departure from the constant usages of the Church in her purest ages; but shall likewise improve it into an unalterable law, and make our return to the point, from whence we are fallen, impracticable and unlawful.

This is the surest way which could ever have been invented to render it impossible for the Church to err, if she can confute the charge of error in a doctrine, by a mere avowing that she at present holds it.

The author of Sure-footing might have spared himself the trouble he was at to prove the indefectible certainty of oral

<sup>1</sup> Omnes autem, qui Confessiones aliquorum audiunt, a peccatis expresse confitentes absolvant, verba subscripta specialiter exprimentes, Ego te a peccatis tuis, auctoritate qua fungor, absolvo.—Constitut. Dom. Othobon. in Concil. Angl. A.D. 1268, apud Lyndwood. [Pp. 81, 82. Oxon. 1679, fol. 40, Par. 1506.]

<sup>2</sup> Inveterascente autem ista consuetudine (viz. formæ indicativæ), [quæ ante annum Christi 1300, non obtinuit;]

Doctores celebres et multi definierunt Absolutionem deprecativo modo datam non valere; mea quidem sententia recte; non enim tantum Concilia aut Pontificum decreta leges absolvendis peccatoribus præscribere possunt, quarum prævaricatio irritam facit Absolutionem; sed etiam id potest consuetudo, Pontifice non improbante, secundum responsa prudentum legitime inducta.—Morin. de Pœnitent. lib. viii. cap. 8, § 2.

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tradition, if he had been aware, that the rule of lawful and right, was the present custom of the Church. He needed not have been at any pains to prove that she could not hold in one age what she had not held in another, if the barely holding it in one might be thought sufficient to establish and defend it for the time in which she held it.

See our  
Commina-  
tion-office.

Our Church is far more modest in her pretensions, and confesses, that there was in the primitive times a Godly discipline; the want of which she laments in her own, and wishes for its revival.

In her Office for the Visitation of the sick, she hath chosen, indeed, the indicative form, "I absolve thee," for the penitent's Absolution; perhaps, in compassion to the great distress she supposed the penitent at that time to lie under, she might judge an extraordinary measure of comfort the fitter to be then applied to him.

See what  
hath been  
written and  
cited in pp.  
77, 78.

However, in the primitive ages, the course which was used with sick-bed penitents hath been shewn to be, assigning them penance, which, if they lived, they were bound to go through, or else to be excommunicate, and restoring them, in the interim, to the peace of the Church, from a presumption, that they would submit, upon their recovery, to the penance thus assigned them; and then, if they died, they left the world with some satisfaction, that all hope of their case was not judged desperate, though it was far enough still from being altogether safe.

Now, as to the pardon of sin, having on my side the entire suffrage of antiquity, I must have leave from Morinus, and from all the writers who are with him in this point, to intimate my humble opinion, that the power of the Priest is mediate and ministerial, not direct nor judicial; and, therefore, that in his exercise of it, the form should be rather precatory than peremptory. But, in restoring a man to the peace of the Church, which he may have *ipso facto* forfeited, though sentence hath never, perhaps, been denounced against him, there the form may more warrantably be indicative.

In the Office just cited, our Church hath used both the forms, the one introductory to the other; the optative is first used; "Our Lord Jesus Christ of His great mercy for-



give thee," &c. And then follows the indicative, "By His authority I absolve thee," &c. So that, in the one, a pardon is begged for the penitent, and in the other applied to him.

Yet, presently after, the Priest and penitent are both directed to renew their prayers for the latter's forgiveness, and to beg that he may be continued in the unity of the Church. The reader will find the substance of this prayer in the Penitential of Ecbert, Archbishop of York, to have been one of the ancient formularies for Clinical Absolution; though, in our Liturgy, it is used as a prayer subsequent to the indicative form of absolving the sick penitent. See in Appendix No. vii.

It looks as if our Church intended, by this indicative form, only the restoration of the penitent to her peace and Communion, inasmuch as in the prayer subjoined to it, a request is specially made, that God would continue this sick member in the unity of the Church.

It is true, indeed, that the Priest professes to absolve him from all his sins; and it is as true, that immediately afterwards he begs of God not to impute them; so that, whether he absolves mediately or immediately, whether by a direct application of the pardon to the conscience of the sinner, or by the medium of admitting him to the forfeited privilege of Church-communion, the form hath not determined. And, therefore, I presume, with all humble deference, we may so interpret the meaning of our Church, as will best enable us to defend her, and to shew her agreement with primitive examples.

The nature of the thing, I conceive, will bear it; since she hath not decisively given her opinion upon this matter, nor need we put any force upon her words to bring them within our present construction. Yet, it must at last be confessed, that our case would be more clearly and fully justifiable, as infinitely more agreeable to the ancient model, if we had any use of the Penitential Discipline upon such a person's recovery, and if we adhered more closely to the forms which were indubitably of ancient date. But this must be left to further time, and to a fit authority.

Meanwhile, I observe upon this, and such other changes as time may have introduced into the Penitential Discipline,

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that in every thing not essential to it, the Pastors of the Church are intrusted with a discretionary power of abridging or extending it, of complying, forbearing, condescending, or insisting, as occasions and conjunctures shall render it advisable.

Now, what is essential, or what is not so, must be determined from its necessity, or no necessity, to the accomplishment of the ends designed by it. What these were, the reader hath already been advertised, and shall now, therefore, be no further troubled with a repetition of them, otherwise than with observing thence ;

See what  
hath been  
written and  
cited in  
pp. 62, 63.

[Tit. 2. 14.]

1. That the honour of the Church, as the Spouse of Christ, can never be consulted ; that the design of Christ, in gathering a Church, which was “purifying to Himself a peculiar people zealous of good works,” can never be promoted, whilst her more sacred Ordinances are prostituted to people, either of scandalous lives, or who stand at an avowed defiance against her authority. This is an end which can never, I fear, be answered, whilst there is an utter neglect of all Penitential Discipline. The Church will have spots, and blemishes, and wrinkles, if she takes no care of cleaning them ; and so will disappoint her Founder of His gracious purpose, viz. the presenting it to Himself and to His Father, “holy and without blemish.” Again,

[Eph. 5.  
27.]

2. The example to others will carry no influence, where no example is made of notorious offenders. Where the door to Ordinances is always open, none will fear to be excluded, nor will any be afraid to offend, who shall observe that no conditions of pardon are insisted on, or, at most, that they are cheap and easy, and carry no pain nor shame along with them. And

3. The delinquent himself must lose the advantage propounded for him by penitential mortifications, where none are made requisite ; and where he is allowed, without them, to approach the Ordinance appointed for his sins’ remission.

But now, though an entire neglect of this discipline will carry with it these untoward consequences ; yet will not every instance of a departure from the ancient practice be justly chargeable with such a total neglect.

It were highly, indeed, desirable, that it might be re-

stored in every part and branch of it; and that we might be brought, in all points, to resemble that primitive pattern which hath here been represented. But if this cannot be obtained, it were better, at least, to stand as we do, than to run any farther back from it: if we cannot have the public Exhomologesis, and a public reconciliation in the face of the Church; it were better that some shadow of this should, however, be left in the private management between Priest and people. It were better the sinner should take to himself the shame of opening his wounds to a Spiritual physician, than that they should be suffered to rankle and to fester, through an entire neglect of them; that the ministry of reconciliation should in some way or other be applied to him, though with less of solemnity, and, perhaps, therefore less of profit both to himself and others, than that it should not be applied at all.

The Reformed Churches abroad do generally concur with ours at home in this apprehension and in this opinion.

The Augustan Confession may be allowed to represent, in a good measure, the sense of the German Churches: especially, if we add to it the opinion of Chemnitius, who hath clearly enough delivered it.

The former of these hath acquainted us, that “since Confession makes way for private Absolution; and since the administration of that rite preserves in the people a just apprehension of the power of the keys, and of the remission of sins; and since, moreover, that sort of conference and communication between Priest and people doth mightily tend to the instruction and edification of the latter; therefore, they of that persuasion were very careful to retain in their Churches the use of Confession, though they did not extend it to the burdening of their consciences, by teaching the necessity of any exact or circumstantial enumeration of their sins, as required from them by Divine institution.”<sup>1</sup>

<sup>1</sup> Quum autem Confessio præbeat locum impertiendæ Absolutioni privatim; et ritus ipse intellectum potestatis clavium et remissionis peccatorum conservet in populo; præterea quum illud colloquium magnopere prosit ad admonendos et erudiendos homines, diligenter retinemus in

Ecclesiis Confessionem; sed ita ut doceamus enumerationem delictorum non esse necessariam jure Divino, nec onerandas esse conscientias illa enumeratione.—In Augustan. Confess. de Confessione. [P. 150, Art. iii.]

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And this is just the sense of Chemnitius, who is for preserving the use of it upon much the same account, viz. "That by such private conferences, the Pastor may come to a knowledge of his people's proficiency in the faith, and of the state of their souls, in order to their due Absolution."<sup>1</sup>

In the case of anxiety or scruple, Calvin hath directed "an application to the Pastor in the way of private Confession; and hath commended it as a remedy provided by our Lord, and as such not to be neglected without breach of duty."<sup>2</sup> To which he hath subjoined his opinion of private Absolution, that it is of no less use and efficacy than the former; wherever it is wanted in aid, or in cure of any singular infirmity.

Zanchy hath, likewise, borne his testimony to the advantages of private Confession: "If you take away its abuses, such as, 1, The opinion of its necessity; 2, All scrupulosity in the enumeration of sins; 3, All superstitious conceits concerning it; he agrees that it will then, in many respects, be useful: viz. 1, For the self-abasement of the sinner; 2, For a two-fold doctrine, concerning sin and concerning faith; 3, For the penitent's comfort, by the pastor's applying to him the Word of God, concerning the remission of his sins through faith in Christ; 4, For counsel; 5, For prayer, that the Pastor may thereby be moved to intercede with God in a peculiar manner for him."<sup>3</sup> As to Absolution, he

<sup>1</sup> *Privatæ Confessionis usus apud nos servatur, ut generali professione peccati, et significatione pœnitentiæ petatur Absolutio. Cumque non sine judicio usurpanda sit clavis, vel solvens vel ligans, in privato illo colloquio pastores explorant auditorum judicia, &c. . . . Et tali Confessionis impertitur Absolutio.—Chemnit. Exam. Concil. Trident. in Sess. 14. cap. 5, de Confession. [Part ii. p. 222, seq.]*

<sup>2</sup> *Id officii sui unusquisque fidelium esse meminerit, si ita privatim agitur et afflictorum peccatorum sensu, ut se explicare nisi alieno adjutorio nequeat, non negligere quod illi a Domino offertur remedium; nempe, ut ad se sublevandum Privata Confessione apud suum pastorem utatur.—Calvin. Institut. lib. iii. cap. 4,*

*§ 12. . . . Nec minoris efficacîe aut fructus est privata Absolutio, ubi ab iis petitur, qui singulari remedio ad infirmitatem suam sublevandam opus habent.—Ibid. in § 14.*

<sup>3</sup> *Multas secum talis Confessio adfert utilitates, viz. Si absit (1) Necessitas opinio, (2) Scrupulosa singulorum peccatorum enumeratio, (3) Omnis superstitio . . . Debent ii esse fines Confessionis, (1) Tui confusio — (2) Doctrina duplex, una de peccatis, altera de fide . . . (3) Consolatio — ut scilicet pastor conscientiam tuam erigat pronunciato nimirum verbo Evangelii, 'remittuntur tibi peccata tua per fidem in Christum' — (4) Consilium — (5) Oratio . . . ut Pastor pro te ad Deum peculiariter rogandum incitetur — Triplex est remit-*



assigns three sorts of it: 1, That of direct authority, which only belongs to God; 2, That which is ministerial, and was vested in the Apostles, and from thence derived upon all the Ministers of God's Word; 3, That of private right, whereby one brother may remit to another the offence he may have given him."

Our own divines have so clearly all along in this point been with me, and the avowed doctrine of our Church doth so apparently confirm their sentiments, that I shall not detain my reader with a needless recital of the one or of the other; but, instead of it, shall crave leave to express my wonder that such loud outcries should be made against those of our present writers who have laboured to revive the credit of this exploded, yet useful, doctrine.

They do, none of them, I am persuaded, mean that the primitive practice should continue out of fashion; but only that, if we cannot have it in its highest perfection, we should have, however, as much of it as we can, and should make as near approaches as may be to the ancient model.

The private Confession is manifestly of old standing, and approaches very near the fountain; and though, as far as I have yet been able to learn of it, it had, till the time of Pope Leo, an apparent reference to the outward and public discipline of the Church; yet every case which was in secret revealed to the Priest, did not, it is evident, come upon the public stage, nor had public penance assigned to it; but only such sins were so treated, as the Priest, upon knowledge of them, should judge proper for a publication.

Wherefore, then, should either the man or the doctrine be exploded, which pleads for the continuance of such a practice, or which would recommend to us the advantages derivable from it, though we cannot expect the full measure of those advantages without coming up to the full measures of that practice, which derived them upon the ancient Church? Some benefit we may certainly reap from the

tendi peccati potestas—una est Autoritatis, hæc solius est Dei . . . altera Ministerii, hæc fuit Apostolorum, et nunc est omnium Ministrorum verbi. Tertia

privati cujusque juris, hæc est illa qua frater fratri condonare vel retinere potest. —Zanch. in Explicat. 1 Epist. Johan. 1, cap. [pp. 31-34, 38.]

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As to private Absolutions, our account of them is, I confess, more modern; for, as the old private Confessions had reference to public discipline, there was no need of solemn Absolution, if the sins were of such a nature as to be curable without penance; since, as there was then no binding, there could properly be no loosing.

But yet, surely, the modern practice, as pleaded for in our Church, is capable of a very useful accommodation to the ancient usage, though it doth not exactly, nor in all points, conform to it. For the Priest may here assign the party who confesses to him, certain penitential mortifications, though they be not publicly submitted to in the face of the Church, and he may insist with him upon a time of probation before he restores him; and, within all that period, he may use his Office of intercession to God for him; and then, when the term is expired, he may loose the penitent from his bond, and may solemnly restore him to his former station. And if this were, moreover, done before a few chosen witnesses, who fear God, it still would bear a nearer resemblance to the ancient practice. For the Church, as Tertullian hath observed, may subsist in a few of her members;<sup>1</sup> and, with two or three assembled in His Name,<sup>2</sup> our Saviour hath promised His gracious presence, and (which to our purpose is somewhat remarkable) that promise follows close upon the powers he had just before granted to His Disciples of binding and loosing.

The redemption of penance by various commutations is, indeed, an entire corruption; and yet, perhaps, it were more advisable, that men should be fined for their sins, than that they should escape with a total impunity. Especially if the design of our late Convocation should ever be made effectual for applying such money to purposes truly useful.<sup>3</sup> I believe I know those in the world who would esteem a smart fine

<sup>1</sup> In uno et altero Ecclesia est.—Tertull. de Pœnit. cap. 10.

<sup>2</sup> Matt. xviii. 18, 20.

<sup>3</sup> See the substance of a Report drawn

up by a Committee of the Lower House, brought into it, and received by it.—Jul. 1, 1713, p. 17.

the sorest mortification which could have been well or easily invented for them. And though this will not answer the purposes of true repentance, which should always be preceded by a godly sorrow, yet it may be subservient to the ends of good order and government; and thus, how improper soever it may be to the discipline of the Church, it is no way foreign from that of the State, which may intrust the management of it in what hands it pleases without any just imputation.

The separation of the two jurisdictions is likewise very modern, and cannot, in this case, be thoroughly vindicated; nor is it, indeed, within my intention to justify any one instance of departure from the ancient pattern. But yet, since all cannot be had which we would have, we should keep at least what we have, and not represent things to be worse than they really are.

Now I humbly conceive that the Bishop, from the design of Christ, Who founded the Church, is the Minister of the Penitential Discipline; and that all, who act in it by his authority, whether devolved upon them occasionally only or perpetually, to some purposes or to all, for a term or for life, may be permitted to execute it, whensoever or howsoever granted, as Deacons heretofore were in certain cases warranted to do by the Bishop's order.

See what is cited to this purpose from St. Cyprian, in p. 140, note 1.

The indicative and peremptory way of absolving is also agreed to be of small standing in the Church, and not much above five hundred years old. But if we take it as an act successive to prayer, and supposing the effect of the preceding intercession, or if we consider it, in another light, as an authoritative restoration of the party to the Communion of the Church, though then, indeed, I see novelty in it, yet it will be hard to discern any fatal mischief.

We use it but once, and that is in our Office for the Visitation of the Sick; in which case we should, as I humbly apprehend, insist with the penitent that, upon his recovery, he do submit to a course of discipline before he approach the Holy Communion; which will bring up the case to a pretty near resemblance to that of the ancient Clinical Absolutions.

See Appendix, No. 1, and *ibid.* No. 7, and p. 79 of this Treatise.

However, as in every one of the aforementioned Articles there hath been a confessed departure of the modern from

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the primitive example, I shall no otherwise take upon myself the defence of them, nor any of them, than only in answer to some rude clamours which have been poured upon them, and which would charge them not only with novelty but also with sin. This, I conceive, is to raise a noise and a dust, but it testifies no sincere desire of cure or of amendment.

Yet, at last, if any one, in the spirit of meekness, shall duly propound and desire a reformation of them, he hath my hearty concurrence and best wishes, and therewith, in the following chapter, my humble endeavours.



## CHAPTER IV.

WHETHER A REVIVAL OF THE PRIMITIVE DISCIPLINE MAY BE PRACTICABLE, AND HOW FAR IT MAY BE SO, IF IT SHALL SEEM GOOD TO AUTHORITY TO MAKE THE TRIAL.

WHOEVER shall go about to straiten the reins of discipline, or shall attempt to revive the rigours of former and better ages, must expect to encounter two sorts of adversaries: the one sort is of those, who know little or nothing of what was before them, and are therefore content to take every thing upon trust, as they find it received and used in the present generation; the other sort is of those who are apprehensive for themselves, and for their vices, that the revival of discipline would bear hard upon both.

The opposition to be expected from the former is founded in ignorance, as that from the latter is in sin; though both, perhaps, may combine in exploding what will appear novel to the one and grievous to the other.

The imputation of novelty will little affect me, who rather think it, in point of justice, chargeable upon those practices which have departed from antiquity. Nor will the inconveniences, which any man shall apprehend or feel from what is here propounded, very much concern me, who am ready to answer in the case of spiritual magistracy what St. Paul did in the case of temporal: that "rulers are not a terror to good works, but to the evil; wilt thou, then, not be afraid of the power? Do that which is good, and thou shalt have praise of the same. For he is the Minister of God to thee for good. But if thou do that which is evil, be afraid; for he beareth not the sword in vain; for he is the Minister of God, a revenger to execute wrath upon him that doth evil." Rom. 13.  
3, 4.

But that which, indeed, most sensibly touches me in my

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entrance upon this chapter, is an apprehension of invading a superior province, and of dictating to those from whom I shall be always most willing to learn.

When these papers shall see the light, the Convocation may very probably be sitting; and, for aught I know, may be debating the subject which the thread of my argument leads me now to write upon.

If this should prove the case, I have nothing left me but to beg their favourable acceptance and candid construction of what shall be here propounded, I am sure, with a good and honest purpose, and without the least design of anticipating, or interfering with, their consultations; but, much on the contrary, with all possible deference to the wisdom of their venerable body.

It is, therefore, with the greatest humility, and with all submission to superior authority, propounded,

1. "That the laws respecting discipline which are at present in being, be reinforced, and pointed with some new sanction."

See the  
Rubric be-  
fore our  
Communion-office.

The Curate, at present, seems to have a power of separating notorious offenders from the Holy Communion, till they have given satisfaction for the offence they have been guilty of. But after such a long disuse, and such a continued universal neglect of discipline, the burden of reviving it, it is humbly apprehended, will be too weighty for the shoulders of any private Priest, except the higher powers shall both lend him their help to lighten it, and shall interpose with fresh authority to exact it from him. The people then will see that what he doth proceeds from no pique nor private regards, but comes from him in pure obedience to authority, which he must pay at his own peril, or abide the consequence of his own neglect.

Indeed, as our laws now stand, the Clergy have a melancholy time of it, between the apprehensions of offending either God or man; though I persuade myself, whenever this difficulty shall come in their way, that they will have no doubt upon their minds which is the greater hazard, or which of the two is the lighter evil.

Chrysostom hath told them, that "it is no small penalty which they shall incur, if they suffer any to partake of the

Holy Table, whom they know to be guilty of deadly sin, and that the blood of such shall be required at their hands; that, therefore, if any General of an army, or a Consul, or even the Emperor himself, should offer to approach under such circumstances, they were boldly to oppose his admission, as being vested for such purposes with a power superior to any earthly potentates.”<sup>1</sup>

But now, amongst us, it is somewhat doubtful, whether, if a sinner of the first magnitude should offer himself at the Holy Table for any secular qualification, the Minister repelling him might not be exposed to some legal penalty, or, at least, to the expense and hazard of a troublesome prosecution, for doing his duty, and for refusing to admit even notorious sinners.

This, therefore, is a case which, with all submission, seems to stand in need of some further explication; and the legal powers of the Clergy should here, it is humbly apprehended, be clearly stated and unexceptionably ascertained.

2. “That some brand be fixed upon the practice of joining in the other parts of public worship, and of departing from it, without the reception of the blessed Sacrament.”

Clemens Alexandrinus hath, indeed, a passage which seems to leave the people at liberty in this matter. He is observing, “That every man should judge of his own abilities, whether he be fit to be a teacher of others or not;” “Just as some,” saith he, “after the customary division of the Eucharistical elements, leave it upon the conscience of their people whether they will take their part or not. And the best rule to determine them, in their participation or forbearance,” he observes, to be “their own conscience; as the surest foundation for conscience to proceed upon in this matter, was a good life joined with a suitable measure of proficiency in the knowledge of the Gospel.”<sup>2</sup>

<sup>1</sup> Οὐ μικρὰ κόλασις ὑμῖν ἴσθιν, εἰ συνιδόσθε τινὲς πονηρίαν, συγχωρήσασθε μισαρχεῖν ταύτης τῆς στρατίης· τὸ αἷμα αὐτοῦ ἐκ τῶν χειρῶν ἐκζητηθήσεται τῶν ὑμῶν· καὶ στρατηγὸς τις ἢ, καὶ ὑπαρχος, καὶ αὐτὸς ὁ τὸ διάδημα περικείμενος, ἀναξίως δὲ προσή, κώλυσον, μείζονα ἐκείνου τὴν ἰξουσίαν ἔχεις. — Chrys-

ostom. In Matt. xxvi. Hom. No. lxxxiii. [vol. vii. p. 789. Ed. Bened.] See, also, what is cited to this purpose from the Constitutions in p. 61, note 3.

<sup>2</sup> Ἡ καὶ τὴν εὐχαριστίαν τινὲς διανείμεναι, ὡς ἔθος, αὐτὸν δὲ ἑκάστον τοῦ λαοῦ λαβεῖν τὴν μοῖραν ἐπιτρέπουσιν· ἀρίστη γὰρ πρὸς τὴν ἀκριβοῦς αἰρίσιν τε καὶ φυχὴν, ἡ

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This must, therefore, be confessed a testimony which proves what the custom of some Churches was in this affair; and should silence, I conceive, the complaints of those who bear so hard upon our present practice, for our promiscuous admission of all who offer themselves. Since we do no more than what was done in some Churches within the second, or, at most, the beginning of the third century; and what was done in those Churches is far enough from being mentioned with disadvantage by an author of very great account in those earlier ages.

But yet it may not be denied that the more general usage was different; nor does this testimony mention the case but with a note of reserve, and with an intimation that the practice obtained only in some, and that the smaller number of Churches.

For, indeed, the participation of the Eucharist was anciently considered as a privilege, which the people did not ordinarily deny themselves when they were permitted to enjoy it. The plea of unfitness, however it might in a few Churches be made use of, yet was not generally allowed, but, much otherwise, would have awarded the party to a state of penance.

The corruption, it is true, was in this point early; as early as the declension of primitive zeal, and as the cooling of those first fervours wherewith the professors of our holy religion were anciently heated.

The Apostolical Canons endeavoured, we find, to guard against it, and “annexed the penalty of segregation to such a disorderly practice.”<sup>1</sup>

Chrysostom, we read afterwards, complaining of it, and telling his people that “they were entirely wrong in this whole matter; that although they would come at Easter with any hazard, and even in a state of utter unfitness for approaching to the Holy Table, yet at other times they could

συνίδησις· Θιμίλιος δὲ αὐτῆς βέβαιος, ὁρθὸς βίος, ἅμα μαθήσει τῇ κατηκούσῃ.—Clem. Alexand. Stromat. lib. i. [vol. i. p. 318.]

<sup>1</sup> Πάντας τοὺς εἰσιόντας πιστοὺς εἰς τὴν ἁγίαν τοῦ Θεοῦ ἐκκλησίαν, καὶ τῶν ἱερῶν γραφῶν ἀκούοντας, μὴ παραμείνοντας δὲ τῇ

προσευχῇ, καὶ τῇ ἁγίᾳ μεταλήψει, ὡς ἂν ἀταξίαν ἐμποιοῦντας τῇ ἐκκλησίᾳ, ἀφορίζεσθαι χρή.—In Can. Apostol. No. vii. apud Cotelierum. See, also, to the same purpose the second Canon of the Council of Antioch. [in Hardouin. tom. i. p. 593.]



not be brought to it, though there were no reason for their abstaining; that, therefore, he stood in vain at the Altar if no one would come near it, and if none would communicate. Not that he was for pressing them to come without being fit for it, but rather for persuading them first to a due preparation, and then to a regular attendance. Inasmuch, as if they were not fit for the Holy Sacrament, they were, indeed, unfit to communicate in prayer. He exclaims upon the perverseness of the contrary practice then, it seems, obtaining, and upon the absurdity of the Deacon's making the usual proclamation, 'All you depart who are in a state of penance;' from which it might reasonably be concluded that all were in a state of penance who did not communicate.<sup>1</sup> Now," continues the Father, "if you are indeed in a state of penance, you ought not to receive, as penitents may not; why, therefore, do you boldly stay behind when the Deacon proclaims, 'All you depart who are not permitted to join in prayer?' And yet, indeed, you are not of this number; but may, if you will, communicate; only you take no notice of your privilege, and will not regard it."<sup>2</sup> Thus far our author.

In the very beginning of the fifth century we find, by the provisions made against it, that this abuse was very far extended; and accordingly the first Council of Toledo "directed the persons who were found thus tardy to submit to penance."<sup>3</sup>

<sup>1</sup> Πολλὴν ὁρῶ τοῦ πράγματος τὴν ἀνωμαλίαν· ἐν μὲν τοῖς ἄλλοις καιροῖς οὐδὲ καθαροὶ πολλὰκις ὄντες προσέρχονται· ἐν δὲ τῷ πάσχα καὶ ἡ τὶ τιτολμυκόμενοι ἡμῖν πρόσσι· ὡς τῆς συνθέσεως, ὡς τῆς προσλήψεως· εἰκὴ θυσία καθήμενῃ· εἰκὴ παραστήκαμεν τῷ θυσιαστηρίῳ, οὐδὲ οὐ μίτιχων· ταῦτα οὐχ ἵνα ἁπλῶς μιτήχῃτε λίγω, ἀλλ' ἵνα ἁγίου ἑαυτοὺς κατασκευάζητε· οὐκ εἰ τῆς θυσίας ἁγίου, οὐδὲ τῆς μιταλήψεως; οὐκοῦν οὐδὲ τῆς εὐχῆς· Ἀκούετε ἱστώπτος τοῦ κήρυκος, καὶ λίγοντος, ὅσοι ἐν μιτανοίᾳ ἀπίλθετε πάντες· ὅσοι μὴ μιτήχουσιν, ἐν μιτανοίᾳ εἰσίν· εἰ τῶν ἐν μιτανοίᾳ εἰ, μιτασχεῖν οὐκ ὀφείλεις· ὁ γὰρ μὴ μιτήχων τῶν ἐν μιτανοίᾳ ἴσθι· τίνος οὐκ ἔστιν ἔστιν, Ἀπίλθεις οἱ μὴ δυναμένοι διηγήσασθαι, σὺ δὲ ἴστησας

ἱταμῶς; ἀλλ' οὐκ εἰ τούτων, ἀλλὰ τῶν δυναμένων μιτήχειν, καὶ οὐδὲν φροντίζεις. —Chrysostom. in Epist. Ephes. Hom. iii. [vol. xi. pp. 22, 23. Ed. Bened.]

<sup>2</sup> N.B. The solemn Liturgy, called by way of eminence, 'the Prayer,' was the privilege of the faithful only; the catechumens and penitents were not permitted to join in it; as being always accompanied with the Holy Eucharist; so that none might partake of the one who were not admitted to the other. The order of the public service in the Primitive Church plainly shews this, of which the reader may see a short sketch in Appendix No. 1.

<sup>3</sup> De his qui intrant in Ecclesiam, et deprehenduntur nunquam communicare,

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The same provision was again renewed in the following century, by the second Council of Luca; that "whoever should enter the Church and turn his back upon the Holy Communion, should be expelled from the Church, till he had done penance for his fault, and reformed it, and thereby deserved the favour of being re-admitted to Communion."<sup>1</sup>

Those who were entitled to the privilege of Communion, the 'faithful,' or the 'perfect,' as they were anciently called, had a Station assigned them near the Altar distinct from the rest; in which none might place themselves who were not so entitled, as penitents and catechumens were not.

Our chancels, however in the first design of them reserved to the Clergy, might very fitly be appropriated to some such purpose: and though the present use of them denotes them to be badges rather of secular than of Ecclesiastical distinction, yet if they were applied to the support of discipline and order, and if none but communicants were allowed to be placed in them, there would be a better face amongst us than we can now observe of the primitive regimen, which had ever more regard to the manners of men than to their estates, and paid more deference to the purity of their lives than to the elegance of their dress, or to any exterior honours which might, elsewhere, be due to them.

In those times, if any despised their privilege, or would not make use of it, we have seen that it was taken from them, and they were degraded thence to a lower Station in the Church. Isidore Hispalensis hath already been cited to inform the reader, that "it was the Door-keeper's province to see the people properly distributed into their respective Stations;"<sup>2</sup> so that the distinction continued down to the seventh century.

admonentur, ut si non communicant, ad pœnitentiam accedant. — In Concil. Toletan. 1, can. 13, habit. A.D. 400. [Hardouin. tom. i. p. 991.]

<sup>1</sup> Si quis intrat Ecclesiam Dei et sacras Scripturas [non\*] audit, et pro luxuria sua avertit se a Communionem Sacramenti, et in observandis mysteriis declinat constitutam regulam Disciplinæ istum talem projiciendum de Ecclesia Catholica esse decernimus, donec pœnitentiam agat, et ostendat fructum pœnitentiæ suæ, ut

possit Communionem percepta indulgentia promereri. — In Concil. Lucens. 2. Can. 83, habit. A.D. 572.

\* N.B. Labbée and Binius, though they both retain the word [non], yet do both mark it with an asterism as redundant. [Hardouin retains it, tom. iii. p. 400.]

<sup>2</sup> See him cited in p. 129, note 3.

Fideles recipiat; excommunicatos et infideles excipiat.

It were much to be wished, and is, therefore, most humbly propounded,

3. "That somewhat of this kind might be now revived; that the receivers of the Holy Communion might have some place assigned them in our Churches, distinct from those who should not communicate. And, for such a purpose, that we might have some use in our religious assemblies of the ancient Stations, where notorious offenders might be as separate from the rest in their places, as they are in their manners; and that even secret sinners, if known to the Priest, should not be allowed to mix with the faithful."

In the Primitive Church we have seen that penitents and catechumens, as they had distinct Stations, so had distinct parts of the public service fitted for them; at the conclusion of which they severally departed.

As to catechumens, the main use and reason of that order, and of all the regimen relating to it, hath long since ceased, in those countries where all profess the religion of Christ, and have therefore been baptized whilst they were too young for doing, or undertaking any thing in their own names. Only it might still be preserved with regard to adults desiring Baptism. But, for the rest, it might, I conceive, even at this time be serviceable to the interests of religion, if the candidates for Confirmation had some such Station assigned to them as heretofore belonged to the candidates for Baptism; if the taking out their freedom in the Gospel, were preceded by certain solemn stages; and if they ascended thus gradually to the privilege of Communion, "to the measure [Eph. 4. 13.] of the stature of the fulness of Christ."

An Office might easily be composed for this purpose; or, if a prayer were added to the daily service, which should be considered as preparatory to the Office of Confirmation, it would make, perhaps, that rite more awful and more solemn, better considered, and better understood, than it is at present.

And, as we have now, by the change of our circumstances, and by the general diffusion of the Gospel amongst us, no solemn preparation for the Ordinance of Baptism, it might help to render our youth more sensible of that sacred engagement, if they were in some such manner trained up to

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the susception of it upon themselves, and thence were admitted in full to the highest privileges of the Gospel.

Upon the mention of Baptism, I shall here beg leave to detain my reader with a short digression, and to suggest to him, that, if the seasons for Baptism were still preserved, out of which it should not, ordinarily, be lawful to administer that solemn Ordinance; the Office, I conceive, would appear the more venerable, when numbers should contribute to heighten the sense of its importance and its dignity.

It would not be the least convenience attending such a regulation, that the present *scandalous* practice of private Baptisms would entirely be removed by it; wherever there should be no plea of sickness nor danger to excuse or enforce it. (And there it should, in the strictest sense, be private.) Nor should we then appear, so much as now we do, to be ashamed of our religion, and of professing before men what Master we belong to. Nor should the midwife then vie offices with the Priest, who seem, according to modern estimation, to be of equal account in these domestic solemnities, where the giving a name passes, with many, for the main design of the ceremonial.

Tertullian hath clearly and expressly told us, that "the Church, in his time, was accustomed to observe these seasons for the solemn administration of this Holy Ordinance; and, by way of abatement, hath only subjoined, that Baptism administered at any time was valid, and that the grace of God, conveyed by it, was always open,"<sup>1</sup> *i. e.* indeed, when any case required it out of these solemn seasons, it might effectually and lawfully be administered. Pamelius, in his notes upon the place, hath proved from undeniable authorities, as well ancient as modern; from Ambrose, and Basil, and Jerome, and Leo, and Gregory, among the former; from Burchard, and Ivo, and Gratian, and Alcuin, and Rabanus Maurus, among the latter; that the practice continued very

<sup>1</sup> Diem Baptismo solenniorem Pascha præstat, cum et Passio Domini in quam tingimur adimpleta est, &c. . . . Exinde Pentecoste ordinandis lavacris latissimum spatium est, quo et Domini resurrectionis inter Discipulos frequentata est,

et gratia Spiritus Sancti dedicata, et spes adventus Domini subostensa, &c. . . . Cæterum omnis dies Domini est, omnis hora, omne tempus habile Baptismo; si de Solennitate interest, de Gratia nihil refert.—Tertull. de Baptism. cap. xix.



long in the Church ;<sup>1</sup> till, as he conjectures from a passage in Socrates, and Rupertus Tuitiensis, the great increase of Christians, with some subsequent neglects in attending these solemn administrations, gave the occasion of its discontinuance.<sup>2</sup>

Yet it is observable, that this reason of its desuetude did not prevail till the eighth or ninth century, which should make a Protestant ashamed of insisting on it. And a little care and discipline would easily enough prevent, or remove, the suggested inconvenience.

The Councils for divers centuries endeavoured, we are sure, to keep up this solemn custom ; and even the *Ordo Romanus*, however otherwise corrupt and novel, hath yet borne testimony against our modern practice and condemned it ; as having made a proper provision in the case before us, that “ none presume to baptize, save only on the eves of Easter and Whitsuntide ; danger of death always excepted.”<sup>3</sup>

But whether the corruptions of our present age, and our utter disuse of every thing which hath the face of discipline, will endure these, or any like regulations, is, with all the rest, entirely submitted to its proper managers.

4. “ That the key of jurisdiction be reunited to that of order, and that both be lodged in the same hand, as they

<sup>1</sup> Ambros. de Myster. Pasch. Basil. Homil. Exhort. ad Baptism. Hieronym. in Epist. ad Pammach. contr. Error. Joan. Hierosolym. Leo, ad Episc. Sicul. Gregor. ad Tarsens. Burchard. lib. iv. Decret. cap. 6 et 7. Ivo, cap. 60. Gratian. de Consecrat. Distinct. 4. cap. de Catechum. Aleuin. de Fest. Epiphan. et de Vigil. Pasch. Raban. Maur. de Institut. Cleric. lib. ii. c. 38. Various Canons of the Councils shew, moreover, that the seasons for Baptism were long preserved. Non suscipi debere infantes ad Baptismum, nisi ante tres Septimanas Paschæ. — Concil. Lucens. 2. Can. 49. [Non liceat ante duas Septimanas Paschæ, sed ante tres ad Baptismum suscipere aliquem. Hardouin, tom. iii. p. 397. The words quoted above are the heading of the canon, as that of Autissiodor.]

Baptismus extra Pascha nisi moribundis non conferatur. — Concil. Autissiodorens. Can. 18. [Hardouin. tom. iii. p. 443.] Omnes omnino a die quadragesima cum infantibus suis ad Ecclesiam observare præcipimus, ut sacro Baptismate regenerentur. — Concil. Matiscon. 2. Can. 3. [Hard. iii. p. 461.] Uno tempore Paschæ celebrandum [Baptismum] esse annuntietur. — Concil. Toletan. 2, can. 5. [?]

<sup>2</sup> Socrates, Histor. Eccles. lib. v. cap. 19. [Ed. Reading.] Rupert. Tuitiens. lib. iv. de Divin. Offic. cap. 18. [Rom. 1591.]

<sup>3</sup> Nullus præsumat baptizare, nisi pro vigilia Paschæ et Pentecostes, nisi in periculo Mortis. — Ord. Roman. In Ord. Quomodo agatur Concil. Provincial, 4to die. [Rom. 1591.]

CHAP. formerly were, for above one thousand years together after  
IV. Christ.”

I hope the reader will be as far from interpreting as I am from meaning this, in derogation of any advantages belonging to the practisers in our Ecclesiastical Courts; for whose profession, in the general, and for whose persons, many of them in particular, and for that excellent learning which none, in a manner, but themselves now cultivate, I have ever entertained a very high esteem.

The only security they, at present, have for obedience to their injunctions, is confessed to be this key of jurisdiction; which, therefore, if taken out of their hands, would leave them destitute of any means wherewith to preserve their own authority, of which I am very far from desiring the least diminution.

Now, they never excommunicate but upon proof or suggestion of the party's contumacy; so that, if a judicial declaration of the party's contumacy should be attended with the same penal consequences, wherewith their sentence of Excommunication is now attended; they would have the same provision which they now have, for obedience to their orders and injunctions. And then, what is to some a great scandal, and, to many others appears, at lowest, a great irregularity, might be removed effectually; and, as hardly as some people's mouths are stopped, I conceive we should hear no more of it.

But as this cannot be brought about, except the legislature will interpose in it, thither it is, with all humility referred, where its favourable reception cannot be doubted, if ever our representatives in Convocation should think fit to crave it.

What was to this purpose attempted, and well-nigh effected, in the last Session of Parliament, furnishes a just ground of hoping, that when there shall be more time and leisure, there will be also sufficient inclination, within those walls, to perfect what is wanting, and to remove from amongst us whatever is obnoxious, or carries in the face of it so much as the “appearance of evil.”

[1 Thess. v. 22.]

5. “That the interceding mediatorial office of the Priest,

be by some fit methods inculcated upon the people, who, by all means, should acknowledge him in that character and capacity."

This I the rather mention, because the notion seems to be quite sunk and lost, and all esteem of his Office is made to centre in his personal accomplishments, and in his preaching abilities.

Whereas the holy Martyr Ignatius magnifies the public service of the Church;<sup>1</sup> and the Constitutions call the Bishops (of whose Office, in this point, Priests or Presbyters have a portion), 'the voice of God;' 'mediators between God and His people:'<sup>2</sup> and Chrysostom gives this as an instance of the usefulness of the public Liturgy; that the prayers of the people were therein assisted by those of the Priests, and ascended to Heaven with the better success for going up in conjunction with theirs.

St. Clement (Romanus) compares "the part performed by the Priest in his Gospel ministrations, to that which was performed by the Priest under the Jewish economy;" who made, we know, therein available intercessions for the transgressions of that people.<sup>3</sup>

This is, indeed, a very high and important Office, which cannot, in these days, be too much magnified, when so many circumstances conspire to depress it, when it is assigned to the hands of our meanest performers; and is, therefore, considered and performed accordingly.<sup>4</sup>

The laity do generally, I fear, consider it as a mere reading over a form of prayer, which might, as availably and as well, be done by any person in the congregation as by him who officiates. They seldom look upon the

<sup>1</sup> Εἰ γὰρ ἰνὸς καὶ διευτέρου προσηυχῇ τοσαύτην ἰσχὺν ἔχει, πόσῃ μᾶλλον ἢ τε τοῦ πισκόπου καὶ πάσης ἐκκλησίας; — Ignat. in Epist. ad Ephes. [§ 5.]

<sup>2</sup> See what is cited from the Constitutions, and from Chrysostom in p. 65, notes 1, 2.

<sup>3</sup> Τῷ γὰρ Ἀρχιερεῖ ἰδίαι λειτουργίαι δεδομέναί εἰσι, καὶ τοῖς ἱερεῦσιν ἰδιος ὁ τόπος προστίτακται, καὶ Λειτουργίαι ἰδίαι διακονίαι ὑπάρχουσιν. — Clement. in Epist. ad Corinth. where he pursues at large the

parallel between the Jewish and Christian ministrations. Young's edit. p. 53. [§ 40, Cotel.]

<sup>4</sup> The reader may find this part of the Priestly function excellently proved and vindicated in two Treatises of the Christian Priesthood and of the Dignity of the Episcopal Order, composed and published by the reverend and very learned Dr. Hickes. Third edition, vol. i. p. 187, &c.

CHAP. man in the desk as any other than a mere stipendiary,  
 IV. not as an authorised intercessor to God and to Christ for them.

My reverend brethren will not, I hope, misconstrue me, if I press upon them a serious endeavour to assert the honour of their mediatorial Office between Christ and the souls of their people, by suffering none to act for them in this part of their function, but such as know how to sustain the province with decency and authority ; and thence are likely to infuse into their people a just sense of the honours due to it.

The necessity of their own appearance in the pulpit may plead, in some cases, a pretty just apology for their absence at that time from the desk, and for their providing it with a proper substitute. But it is high time to be careful in this provision ; and that every person who can *read* the prayers, should not thence be judged fit to *offer* them ; but such an one only, as is sensible of the honour to which that station entitles him, and knows how to preserve, and to increase, the esteem which is due to it.

The present state of the Clergy will furnish enough, if the persons concerned will be diligent in seeking them, who are both worthy of this honour, and poor enough to take up with such other recompense as can be afforded them, for their attendance at it.

But Incumbents themselves, I do, with all submission, crave leave to intimate, should not unnecessarily be absent from the personal discharge of this honourable, this important service ; nor do any thing tending to nourish a conceit in their people, that the oblation of their prayers to God is any way beneath the most exalted character.

In the Primitive Church, there was, indeed, an order of men, whose title was that of readers ; but then, the word had a very different signification from what it hath at present. They did, indeed, read the Scriptures, as now they do in our Cathedral Churches, but did not read the prayers. The oblation of them to God was the Chief Minister's province, and continued to be so for many ages.

So late, as in the *Ordo Romanus*, we find an express provision, that every Presbyter should keep a clerk, or



some scholar-like person, to read the Epistle or the Lesson for him.<sup>1</sup>

Now, if somewhat like this were observed in our parochial Churches; if our parish-clerks, where capable, were appointed to this office of reading the Scriptures; if, in all future provisions, the capacity for reading them decently and intelligibly, were insisted on; moreover, if authority should think fit to restrain our Deacons from officiating in public prayer, at least, in the presence of a Presbyter; if it should add some prayers to the Liturgy, wherein the Priest should professedly intercede for his people and bless them; if it should enjoin the Curate, ordinarily, to perform this part in his own person when he does not preach, or, however, upon all week-day festivals; and, if he should be then directed to officiate standing, which, in worship, hath always been considered as a posture of authority, except only when he recites the Litany, or when he makes confession of his own and his people's sins; perhaps, I say, with the help of these, or some like provisions, the esteem of this much-neglected Office might a little be revived; and the people might be brought, by degrees, to apprehend, that the pulpit is not the only station which is worthy of honour.

6. "That a Chorepiscopus, or Suffragan, be appointed in some market-town, or place of great resort, within every rural Deanery, to whom should appertain whatever heretofore was committed to the Penitentiary, in the district he should belong to, or in the villages adjacent to it; and that he should accordingly be intrusted with the management of discipline in all the parts assigned him for his province; yet, with this restriction, that he should be subject and accountable to the Bishop of his Diocese; who, by this means, might be acquainted with the state of his people, much better and more fully, than it is possible he now should be."

I am far enough from believing with our Presbyterians, that the bulk of our present Dioceses is any argument against our modern Episcopacy; since it may be proved that some of the ancient Parishes, as they were then called, though

<sup>1</sup> Omnis Presbyter clericum habeat, vel scholarem, qui epistolam vel lec-

tionem legat. — In Ord. Roman. Ord. Qualiter agatur Concilium Provinciale.

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they had the same signification with what we now call Dioceses, were equal in extent and compass, and in number of people, to our present Bishopricks. For, at last, the question will be, "Whether the Primitive Church was governed by a parity, or imparity of Church Ministers, who severally presided in their respective places of public worship; whether the succession to the principal, or Mother Church, was not always reckoned by some one Pastor, to whom the rest, during his life, owed a subjection; and by whom they were restrained and regulated in the exercise of their ministerial function."

If this question be determined in favour of Episcopacy, and if some one Church-officer did always preside over the rest in such a district, all other questions will be besides the point, nor will they affect, to any purpose, the grand debate. Now this, I think, is capable of as clear a proof as any one thing in all antiquity.

Yet it must, at last, be acknowledged, that, generally speaking, the Bishops of the Primitive Church had a nearer intercourse with their people in religious Offices than our present Bishops can be supposed to have. The metropolis, the Mother Church, or what we now call the Cathedral, had divers offices appropriate to it, which might not regularly, nor ordinarily, be performed elsewhere.

And here the Bishop himself presided, and acted in his own person.

Originally, indeed, the Bishop was the first Church-officer of his district in point of time, as well as of honour. St. Clement (Romanus) in his first (undoubted) Epistle to the Corinthians, hath informed us, that "the Apostles, in their travels, as they preached the Gospel, ordained the first-fruits of their converts, Bishops and other Ministers, distinguishing their qualifications by the gift they had of discerning Spirits; and, that they appointed them for the service, not only of those who did at that time believe, but of all likewise who should, in after-times, be believers within such a district." He thence proceeds to shew, that these Bishops were proper successors to the Apostles, &c.<sup>1</sup>

<sup>1</sup> Κατὰ χώρας οὖν καὶ πόλεις κηρύσσοντες [Ἀπόστολοι] καθίστανον τὰς ἀπαρ-

χὰς αὐτῶν, δοκιμάσαντες τῷ πνεύματι εἰς Ἐπισκόπους καὶ Διακόνους τῶν μελ-

Now, if, in such a district, (for instance as Rome,) with its dependencies, there was but one Bishop appointed, and if he was appointed to preside over all who should, in after-times, believe within that compass, he must have been designed for a very extensive province, and, certainly, for more than any single congregation. And I appeal to any man who is at all versed in primitive records, whether he hath ever heard of more than one Bishop at one time in Rome; except, perhaps, whilst the dispute was warm between the Jewish and Gentile converts, who had, each of them, as some say, their distinct Bishop. If they had so, it was a case peculiar; and they considered themselves as two distinct Ecclesiastical Societies; each of which was, however, united under one single head, who was the Bishop. Neither of these had above one at once, from whom they reckoned the succession to their respective Churches.

The course then was, that as the converts of the Bishop multiplied, who was thus appointed by the Apostles to gather a Church, and to preside over it, Presbyters were ordained to be his assistants; and these, whilst one place of assembly would contain his whole number, did either serve in it under him, or supplied his absence. But when his converts grew too numerous for a single congregation, which, in very many Sees, must have been within the first century, and whilst some of the Apostles yet were living, the Bishop then delegated some of these his Presbyters to serve their spiritual occasions in distinct assemblies for worship; though still, with such a dependence upon the Mother Church, that Baptism, with divers other Offices, was not regularly performed out of it. This delegation was at first occasional, and the whole superintendency was still his own. But as the number of his converts was further increased, the Bishop found himself obliged to enlarge the power of these his substitutes; nor was it long before they had a fixed relation to a determinate proportion of his Parish or Diocese. Since Pope Evaristus is said to have

λόντων πιστιύσιν.—[§ 42, Cot.] He goes on to compare this settlement of the Apostles with Moses's settlement of the Levitical Priesthood in the line of Aaron. Κατίστησαν τοὺς προειρημένους

. . . . ὅπως ἐὰν κοιμηθῶσιν, διαδίδχωνται ἑτέροι διδοκιμασμένοι ἄνδρες τὴν λειτουργίαν αὐτῶν.—Clement. Roman. in 1 Epist. ad Corinth. [§ 44, Cot.]

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divided the city of Rome into a certain number of Titles, what we now call Parishes, very early in the second century; and within three or four years from the death of St. John.

The Bishop, however, was still all along considered as the chief Ecclesiastical officer, who had always his negative in matters of moment, and without whom divers acts of these Presbyters were censured as irregular.

Our accounts of the worship, discipline, and regimen, of the Primitive Church, are taken, for the main, from what was done in the Cathedral, or Mother Church, where the Bishop himself officiated; nor have we, indeed, any thing of moment transmitted to us, but what was there transacted.

What passed in parochial Churches, according to the modern signification of the words, is very little known to us; only we have reason to believe, that the Presbyter, detached from the Bishop to serve the occasions of those less assemblies, did not depart from the usages of the Church he was sent from, except in such circumstances, as the littleness of the place, and the want of more Church-officers, rendered necessary.

What hath led our contenders for the Presbyterian model into their error may, perhaps, have been their want of attending to this distinction.

The accounts we have of the ancient worship do make, indeed, the Bishop chief agent in all Church-offices, from whence they conclude him to have been little, if any thing, more than a parish Priest. They do not, meanwhile, consider him as sitting in his Episcopal throne, and there surrounded with Presbyters, who were all at his command, to be sent occasionally to, or statedly fixed in, any of his suburbicary districts, to which he should assign them.

And though we have little or no account of the worship which there was celebrated, yet we have plain evidences, that such places there were, and worship in them, distinct from that in which the Bishop himself officiated, and entirely subject to his directions. This is proof enough of an impurity in those who yet presided in the respective places of public worship, and will lay a just foundation of the present obtaining distinction between the Cathedral and Parochial service.



It must however, I have said, be acknowledged, that the Bishops of the Primitive Church had generally a nearer relation than now they have to the people under their care, and had more practicable means of keeping up with them an intercourse and correspondence.

Now Suffragans would go a great way towards a redress of the grievance which arises from this Article ; each of our present Bishops would then be a sort of Archbishop, and our two Archbishops would then be Patriarchs.

If every place of great resort had one of these Suffragans, the whole regimen of penance might be commodiously fixed in him ; and it might be sufficient to have his Church the only one within his district where Stations should be distinguished, and this Discipline be exercised.

The large extent of our Dioceses could no longer be then complained of ; nor the incapacity, which the Bishop thence lies under, of acquainting himself much either with his Clergy or his people.

Since, therefore, our late Parliament, of glorious memory, hath so well contributed to the removal of that other complaint against the immoderate extent of our larger Parishes, and the disproportionate numbers of the people under a single cure, the emulation of a succeeding Parliament might be very fitly employed upon a redress of this grievance also, and upon bringing both Parishes and Dioceses within a more manageable compass.

There is, indeed, already a law which I have not yet heard hath ever been repealed, “ appointing Suffragans to be constituted in such places as are therein specified ; and, moreover, empowering the Bishop of every Diocese to nominate two Spiritual persons to the King’s Highness, for his choice and confirmation of one of them to be Suffragan to the said Bishop, and to have such power and jurisdiction as should be specified in the Commission granted to him by his Bishop. And the King was to present the person so nominated and confirmed to the Archbishop for his consecration.” <sup>26 Hen. 8. c. 14.</sup>

How the exercise of these powers hath been dropped or neglected, is a point which I have no authority to examine ; nor does it appear to me what maintenance such a Church-

CHAP. officer could have upon the foot of our present Estab-  
IV. blishment.

But even if that point could be adjusted, and if our Bishops should fix upon persons in their respective Dioceses, who should, in all circumstances, be qualified for sustaining and adorning this province, I know not what questions of law might be started, upon the execution of their Office, which is so little known to us. And therefore, to clear up this matter, and to settle it upon a sure foundation, the help of the Legislature seems fit to be requested, and would, I doubt not, be granted upon a proper application.

The market towns which are here propounded for the Sees of these Suffragans, are usually, we observe, least and worst provided with a sufficient maintenance for their parochial Minister. The want of this is known to sink his character and credit amongst them to a degree which renders them the most obnoxious to a misguidance from false teachers. It is, therefore, humbly hoped that the appointment of such an officer, either to act in concurrence with the Minister, or to supply the cure in his own person, if a provision were made for him, might strengthen the hands of our Established Church, and procure a reverence to her authority, which hath hitherto been paid her in very scanty measures.

The reader, it is presumed, will observe that I desire no increase of secular power to the Church, nor any enforcement of her Censures from the civil magistrate. No! let her Censures, as they are in their nature purely Spiritual, continue so in their use, whenever they are applied to purely Spiritual occasions. And let those who despise go on to do so, till God, in His mercy, shall awaken in them a sense of those terrible words, “He that despiseth you, despiseth Me; and he that despiseth Me, despiseth Him that sent Me.”

Luke 10. 16.

See it cited  
in p. 122,  
note 1.

Yet thus much may seem not improper from a Christian magistrate, to enforce what the Council of Ilerda in the sixth century hath appointed, viz. that “if any person should neglect to quit the Church, after the Priest had ordered him to do so, for any crime he had been guilty of, his restoration should be the longer in obtaining.”

It might not, I say, be improper from a Christian ma-

gistrate that he should oblige his subjects to comply with such orders, or submit to such Censures, as, in a matter purely Spiritual, should be enjoined them by their Spiritual guide.

Charles the Great accounted this a very fit and becoming part for himself to appear in ; and, accordingly, he enforced the Ecclesiastical authority with his Imperial law.

See him  
cited in  
p.123, notes  
1 and 2.

7, and lastly : “ That all this, or whatever else of this kind shall be provided, be more particularly specified in a Penitential Office, explained by a proper Rubrick, and added to our public Liturgy.”

These things I have presumed to offer, but with great submission, as becomes a private person ; who, though I have employed some of my few vacant hours in thought and study, for the welfare of that sacred community in which, however unworthy, I have the honour to bear office, yet will, in no respect, take upon me to dictate, esteeming myself sufficiently happy if I may be allowed to suggest what others, who have more authority, leisure, and ability, shall improve and make effectual.

But if any part of what hath here been offered shall be judged inconvenient, or if any thing more serviceable shall be elsewhere propounded, I am ready, with all cheerfulness, to depart from the one, and to embrace the other.

## THE CONCLUSION.

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MEANWHILE, what hath here been attempted in the preceding Essay, should shock the mind of no sober layman who hath really at heart the honour of religion, and the reverence due to its Holy Founder.

What hath been represented in the foregoing papers was the undoubted practice of the Church in her earliest and purest ages. And though the license and corruption, with the ignorance and superstition, which the confusions of the Empire brought into the Church, did, in succeeding generations, soil her face, and break into the simplicity of her ancient manners, yet did a thousand years pass over her before her Discipline was reduced to that low ebb of authority and influence which now it stands at.

The private management made the first breach upon the public, and hath ever since continued to supplant and weaken it. Then came on Redemptions and Commutations; and thus, when Discipline grew by these steps to be a mere form, and to serve so faintly the purposes of true repentance, it was judged not very material whose hands it was lodged in, nor what words were used in the application of it.

At the same time, and by the very same degrees, wherein the efficacy and power of it declined, the forms and shows of it increased and multiplied. And, as if there had been a design to recompense it with compliment for what it lost in reality, the character of what remained to it was highly magnified and called Sacramental.



I have been often forced to use the word *Penance* in the preceding discourse. And though it might seem to argue some suspicion of my reader's understanding, should I labour an apology for such a harmless term ; yet, because this *Tract* may fall into various hands, and some may, perhaps, be offended with a name which they suspect of *Popery*, I must entreat them to interpret it as I do, and then it will mean no more, than that outward *Discipline of Repentance*, which I know no single word besides to be capable of expressing.

The ancients often confounded this with the internal duty, expressing both the one and the other by the same word, as well enough knowing, that the usage of the times they lived in would be sufficient to secure them from all misconstruction. But my case had been different, should I have used all along the term *repentance*, which, having been generally applied amongst us to signify only the internal duty, would scarce have been understood, in any case, to mean the external *Discipline*.

*Popery* is a word whose meaning I abhor with a zeal which, I hope, is as true and as well informed as theirs can be, who are loudest in their outcries against it. But I am not altogether so suspicious of every thing which hath at any time suffered under that imputation. Because I have observed many excellent things, many wise and learned and judicious persons, and as true friends to the Reformation as any of those who most frequently talk of it, which yet have severally been aspersed with that invidious character.

What hath been here propounded reaches, I confess, not quite far back enough into the purity of the Ancient Church. But the *Discipline* which hath here been represented was in use and practice from the very fountain. And if I have not recommended the revival of it as it stood in the three first centuries, it was because I was apprehensive that the fervours of our zeal were too cold for any such austerities.

Those who will be most forward to object will, I fear, object against it as too rigorous, though no more should be asked of them than to come up with the standard of the seventh or eighth centuries. And, indeed, there hath been no more asked of them. For so late as the age of Charles

the Great, which was still later than the eighth, and advanced into the ninth century, we read of "public penance assigned to public crimes;" and that "all Counts, Judges, &c., as well as the rest of the people, should conform to the Bishop's directions."<sup>1</sup>

In cases of private sin, which were only revealed to the Priest in secret Confession, the course at that time was, to assign to the party in secret penitential mortifications, and so, in secret, to restore or absolve him.<sup>2</sup> But in cases of public and notorious guilt, the Church, even then, was not so contented; nor would she receive the party to Communion without an humiliation as public as his crime.

This, this, is the point which I most insist on as necessary to the honour of the Church, required by the institution of her Founder, for the benefit of souls, and, as such, an essential part of her Discipline; which, till it be restored with efficacy and vigour, will, I fear, withhold many blessings of God from us.

Whoever is at all acquainted with the history of the Church, must know the truth of what is here suggested. Those who are not so, may wonder, perhaps, to hear or to read what they have not been accustomed to think of, and, it may be, will as much be shocked with it as people of tender constitutions are apt to be when surprised with meeting any uncommon object. But this wonder will be much abated, when they shall suffer themselves to be informed and convinced that the Discipline, which is our present subject, had a being, as soon as our religion had any number of professors; that it was formed in the infancy of the Christian Church, grew up together with it, and that the vigour of the one declined with the purity of the other.

<sup>1</sup> See what is cited in p. 123, note 2. And again, Qui publice peccat, publica multetur penitentia, et secundum ordinem [canonum] pro merito suo excommunicetur et reconcilietur.—In 2 Concil. Cabilon. can. 25, habit. A.D. 813. [Hardouin. tom. iv. p. 1036.] And again, Quorum autem peccata in publico sunt, in publico debet esse penitentia, per tempora quæ Episcopi arbitrio penitentibus, secundum differentiam peccato-

rum, decernuntur; eorumque reconciliatio in publico esse debet ab Episcopo, sive a Presbyteris, jussu tamen Episcoporum; sicut Canones Africani Concilii testantur; ubi scriptum est, Cujuscunque autem penitentis publicum et vulgatissimum crimen est, ante Absidam manus ei imponatur.—Raban. Maur. de Institut. Cleric. lib. ii. cap. 30. [ed. Rom. 1591.]

<sup>2</sup> See what is cited in p. 120, note 2.

And when they shall observe, moreover, that the revival of this in the full efficacy of its ancient use, though much desired, indeed, yet is not here propounded; they will rather, it is hoped, acquiesce in the modesty of such a tender wish, than charge it with unseasonable rigour, or with any undue pretence to an increase of power.

The libertine, indeed, is interested against us, and from him we have reason to apprehend the fiercest opposition; for should this Discipline recover any part of the ground it hath lost, he is most likely to fall first into its hands, and to feel it exerting itself in its utmost rigours. But were it not infinitely better that he should feel it here for his advantage and reformation, than that he should feel worse hereafter from the "wrath of God, which is revealed from Heaven <sup>[Rom. 1. 18.]</sup> against all ungodliness and unrighteousness of men?" He would be content, it is likely, to wait till that wrath overtakes him; and to walk, meanwhile, in the ways of his heart and in the sight of his eyes. But as he is a member of the Church of Christ, he is under her care, and his soul will be required at her hands. There is no way for her to discharge herself of him with safety, but first to warn him of his danger; and, if that be not effectual, next to turn him out of her fold. And then, as an heathen, she hath no more to do with him, except he will submit and beg a reconciliation.

To all this, the scorner, I expect, should reply with mockery, which is his usual weapon, and serves him in his offensive as well as in his defensive occasions. He fears the least revival of this ancient Apostolic practice, because his bold and daily insults upon the most sacred truths would receive from it a due correction instead of a serious answer.

But I trust the world is not yet so far gone in mirth as to be laughed out of a thing so important as religion, and what is plainly an institution of the best religion which hath ever yet appeared for the benefit of mankind. For if it was the practice of the Apostles, we may be sure it was the design of Christ; and if it was the practice of those ages which next succeeded that of the Apostles, we may be sure it was not intended to expire with them, but was designed, on

the contrary, to be a standing Ordinance in the Christian Church.

Now these are considerations which, it may well be hoped, shall be enabled to maintain their ground against any levities of wit, any scurrilities of profaneness, any attacks of vice, or any other of those foolish bolts which the ignorant, the petulant, the libertine, or the scorner, shall severally, or jointly, think fit to shoot at them.

I have neither leisure nor inclination to reply to any such objectors, should they appear against me.

I have not willingly misrepresented any thing ; but, as I am very conscious to myself of my own weakness, and as I have composed this Tract in various and distracted portions of time, such as a very busy life would allow me, I may easily have fallen into some errors, though none, I hope, affecting my main design.

Therefore if any one shall propound a serious objection in a becoming manner, he shall either receive from me an ingenuous retractation or a serious and becoming answer.

May the God of Truth and Order dispose us all to embrace the one, and, as soon as may be, to form ourselves into the other.

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## APPENDIX.

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### NUMBER I.

*Gregory Nyssen's Canonical Epistle to Letoius, Bishop  
of Melitine.*

*Translated from the Greek.*

ONE thing there is of great moment towards a due observance of the Holy Festival, (viz. of Easter,) which is a right knowledge of the Discipline wherewith offenders are to be treated, according to the laws and Canons of the Church, that so every disorder and distemper of the soul, arising from sin, may find a cure.

For since this is through all the churches of God an anniversary solemnity sacred to the remembrance of Christ's Resurrection, after His Fall by death, to which Fall of His sin answers in the analogy, as the sinner's rise again by penance is correspondent to His Resurrection, it will be very suitable to the nature of this festival occasion that we should not only bring those to God who, by the grace of Baptism, are renewed in the spirit of their minds; but that those, also, should be begotten again unto a lively hope, who have indeed forfeited it by their sin, but are now desirous to retrieve it by their repentance, and by their conversion from dead works, and to walk once more in the paths of life.

For it is, indeed, no very easy matter, nor of small importance, to give just and pertinent directions upon this occasion, "to guide one's words here (as the Psalmist hath it,

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Psalm cxii. 5) with discretion ;" that so, as the same holy author expresses himself, "the righteous may never be moved, but may be had in everlasting remembrance."

As, therefore, in medicine for the body, the one great end of it is the patient's cure, though the means to that end be various, since, as distempers differ, a different regimen will be proper for each ; so, likewise, it is in distempers of the mind, which, being as different from each other as those of the body, will require as different methods of treatment and of cure, with as various an application of those methods as the diagnostic symptom shall happen to direct and indicate. That we may then proceed with some method in handling this question, what we have to offer upon it shall be ranged in the following order.

There are, we know, according to the old distinction, three faculties in the soul of principal account, the rational, the concupiscible, and the irascible ; in the use of which is exemplified either the rectitude of those who live up to the rules of virtue, or the frailty of those who depart from them into vice.

Now he who proposes applying a suitable medicine to the distempered part of the soul, ought well to consider in which of the faculties here recited, that distemper is lodged, and then to apply his method of cure accordingly ; lest, for want of due discernment in this matter, he should mistake in his application, and attempt to cure a part which is not affected. As we see in some unskilful physicians, who, misjudging the symptom, prescribe what inflames the malady of their patients. For instance, if the disease proceeds from an over-measure of heat, and if, because they who suffer from a cold constitution, find relief from warm medicines, therefore they, who abound in heat, shall be treated with the same warm regimen, the consequence will certainly be, that the distemper will become hence exceedingly dangerous, and perhaps may prove incurable.

As, therefore, physicians should be well acquainted with the temperament of their patient's body, whether hot or cold, moist or dry, be most prevailing in it, that they may be able to treat it in a proper manner, so should we, resorting to the aforementioned distinction between the three principal facul-

ties of the soul, make that the general ground and basis of our cure, and of the methods we are to proceed by, in order to it.

Having then considered the faculties of the soul under this threefold division, of the rational, the concupiscible, and the irascible, the due order and temperament of the rational will require just and awful sentiments of God, a due knowledge of good and evil, and a well-poised judgment of the things about us, which of them should be chosen, and which avoided and rejected. And again, here will fall under consideration whatever fault or guilt may be contracted by impiety towards God, or by a wrong estimate made of the things about us, as when we put darkness for light, or light for darkness.

The concupiscible is then as it should be, when the desire is directed to an object truly good and deserving of it; and, if there be any aptness in our nature to love, when we are fully persuaded that nothing is so fit an object for that passion to fix on as virtue, together with that glorious fountain from whence all which is good and excellent flows down upon us.

The degeneracy to which we are in this part liable, and which tends to sin, is, when a man misplaces his desire upon vain-glory and empty applauses, or upon the fading flower of external beauty, from whence proceed avarice, ambition, luxury, lust, with all that numerous train of vices which are so usually appendant to this species of evil.

Again, the irascible is then rightly disposed when it inclines us to an hatred of evil, and to wage war with all the irregular motions of the soul; when it fortifies the mind against all those impressions which are so apt to disturb and terrify the greatest part of us, when it enables us to resist even unto blood the allurements of sin, and to condemn the apprehension of torments, and even of death itself; in a word, when, by disuniting us from the pleasures of life, and whatever either appetite, or custom, or prejudicate opinion, hath rendered familiar and agreeable, it proves us superior to them all, and gains for us the mastery in contending earnestly for faith and a good conscience.

The vices to which this part of our nature prompts us are

NUMB. I. evident and manifest, such as envy, hatred, anger, railing, strife, contentious and revengeful dispositions, which long retain and desperately return an injury in blood and slaughter. For undisciplined reason, not instructing us how to use the weapons wherewith Providence hath furnished us, turns the edge of it upon ourselves; and so, that which was given us for our advantage and defence, we preposterously abuse to our own destruction.

To proceed, then, upon the foot of these three divisions. The sins which affect the rational part of the soul have been all along censured by the Fathers of the Church as sins of a deeper dye, and, as such, demanding a fuller and more laborious penance than any other. For instance, if any one should deny his faith in Christ, or revolt to Judaism, Idolatry, Manichæism, or any such like species of impiety; if, moreover, his apostasy were unforced, and if he should repent afterwards and see his error, such an one, according to ancient usage, would stand condemned to penance for his whole life. For he would never be allowed to join in Communion with the Faithful,<sup>1</sup> but would be obliged to put up his prayers apart from them; and as to any participation of the Sacred Elements, he would be quite debarred from it; only, in extreme danger of death, he would be permitted to communicate. And if he should recover beyond all expectation, he must return to the same solitary state he was in before his sickness, since it would never be permitted to partake of the Holy Mysteries till the very article of his exit.

<sup>1</sup> Here it may not be amiss to suggest to the reader the ancient manner of public, solemn worship; which began with the lector's reading divers portions of the Old Testament; then followed Psalmody; next succeeded other portions of the New Testament: after that exhortations from one or more Presbyters, and last of all from the Bishop. Then came on the Holy Liturgy; first, for the Catechumens, of whom there seem to have been divers ranks and orders; the most imperfect went out at the first proclamation of the Deacon, *Προέλθιστε οἱ Κατηχομένοι*. Then came on the Prayer for such as were to be

exorcised, *ὑπὲρ τῶν ἐνεργουμένων*; these seem to have been another rank of Catechumens; and when they were in the same manner dismissed, the Competents, or such as were just ready for Baptism, were next prayed for; and when that part too was finished, the Deacon sent them out, and then exhorted the penitents to pray for themselves, and the congregation likewise to intercede for them. A formulary of this last prayer I have given a place to in this Appendix, No. iv. The penitents then were dismissed with imposition of hands from the Bishop; and afterwards the faithful advanced to the *μυστικὴ εὐχή*, to the Offertory, to the



But for such as have been forced into compliance against their wills by pain and torment, they have only a set time of penance assigned them; for so the Holy Fathers have thought fit to mitigate their sentence, in regard it was not so much apprehended that their wills or their souls were faulty, as that the mere frailties of their flesh were unable to abide the trial. And, therefore, all transgressions of this kind have the same measure of penance assigned them which are allotted to simple fornication.

For those who have resorted to wizards and conjurors, or to such as undertake the doing great feats for them by the help of demons, they are to be strictly examined whether they were driven upon that sin by any extreme or heavy pressure which lay hard upon them, or whether from an utter neglect of the cautions delivered to them in Holy Writ, they have wantonly and wilfully resorted to the fellowship of demons. For if they did it through mere instability of faith, and from a rejecting of that God, Who is the one great object of Christian worship, their sentence then should be the same with that of downright apostasy. But if any insupportable extremity or pressure should appear to have led them into this transgression, and to have overborne with its weight the frailties of their courage, they should then be treated with the same compassion as those are who are overcome by torments, when they ought to make a courageous profession of their faith.

Now, as to the sins which spring from the head of concupiscence or desire, they are branched out into these two

General Prayer of Intercession and Thanksgiving (which were preceded severally by a bidding prayer from the Deacon), and so to the great Sacrifice. This solemn office was performed by the Bishop; it was called *μυστική*, in regard to none but the *Mystæ*, i. e. such as were initiated, and retained their privilege, might assist at it. No stranger might, except he brought commendatory letters from the Bishop of the place he belonged to. N.B. The Bishop first blessed the people, and gave the Peace to them, before he proceeded to the great Sacrifice. The Deacons assisted at the Oblation of

the Eucharistical Elements, and the Ostiary saw the people distributed into their proper seats, the men on one side and the women on the other. And when the whole congregation had received, another bidding prayer was added by the Deacon, and offered by the Bishop, with thanksgiving; after which, the Deacon dismissed the congregation with an *Ite in pace*, 'Go in peace.'—See Apost. Constit. lib. ii. cap. 57; and lib. viii. from cap. 6 to 13; Justin Martyr, 1 Apolog. [p. 83 seq.]; Concil. Laodic. can. 19, [Howel's Synopsis, p. 74.] And in this Appendix, No. iv.

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divisions, one called adultery, the other fornication. Some, indeed, who have been a little more exact and nice in this matter, have ranged the sin of fornication in the same class and order with that of adultery, inasmuch as there is only one lawful conjunction of man and woman. Whatever, therefore, is not according to law, is against it; and he who possesses what is not his own, possesses what is another's, although the proper owner should put in no claim to it. Besides, that God hath appointed but one helpmeet for man, and for woman only one head. And the Scriptures have apparently recommended and allowed to every man that he should possess his own, and only his own, vessel. Therefore, I say, such as have weighed this matter somewhat more exactly, have judged the sin of fornication to be very little different from that of adultery, especially since the Scriptures warn us not to use the company of a strange woman.

But as the Fathers of the Church have thought fit to deal tenderly with the weaknesses of human nature, the sin hath been ranged in this general division: 1, Fornication, which is an indulgence to concupiscence, without injury or damage to a third person; and 2, Adultery, which implies, moreover, a mischief contrived and acted to another's detriment. As to all the sins of concupiscence against nature, they fall within this latter class, as being injurious to nature, which, in this case, stands for the third person injured.

This, therefore, being the general division of sins, which come under the general head of concupiscence, the general remedy for the disorders thence arising is, to cleanse and purify the man from them by penance.

But since, as it hath been suggested in the sin of simple fornication, there is implied no injury to a third person; therefore, the time of penance for adultery, and for the sins against nature, is double to that which is imposed for fornication; because, in the one, there is implied an injury to a third person, which is not in the other.

There is, moreover, a further distinction to be made in the penance of those who are led into sin by the allurements of pleasure. Since he, who of his own accord, advances to the discovery of his sins, as by his voluntary accusation of

himself,<sup>1</sup> in matters which could no other way have been proved against him, he gives a specimen of the change there is in his mind towards that which is good, and seems inclinable to seek relief from proper medicines; so, in these various respects, he will deserve the lighter correction. On the other hand, he who is either caught in the fact, or upon suspicion, or charge against him, found guilty against his will, must expect that the time of his penance should be prolonged to him; that so, after a perfect purgation, he may be at length admitted to partake of the Holy Mysteries.

The Canons of the Church have, therefore, directed, that such as have offended in the article of fornication should be utterly expelled from the public service of the Church for the full space of three years; and afterwards stand for the same space of time in the station of hearers; and that, for the further space of three years, they should be admitted to pray in the Station of the Prostrate, and thence be received into full Communion.

But if any shall demonstrate by the diligence and punctuality of their submission to the discipline imposed on them, that they are returned to a due sense of their duty sooner, it shall be lawful for the officer intrusted with the administration of this Discipline, as he judges it expedient for the service of the Church, to contract the time wherein the Penitent is appointed to stand in the Station of Hearers, for instance, and so to admit him somewhat sooner to that of the Prostrate;<sup>2</sup> and again, to contract the time of his prostration also, and admit him somewhat sooner to full Communion, accordingly as he shall judge (for to this officer it is left to judge) of the constitution and disposition of the party whom he puts under this medicinal regimen. For, as it is on one hand forbidden to cast pearls before swine, so it is on the other, alike unlawful to deprive those of them who approve themselves clear and perfect men, by having cleansed themselves from all filthiness of flesh and spirit.

As to the sins of adultery, and the rest which have been mentioned, they are to be cured in the same way with that

<sup>1</sup> Confession to the Priest in private, it hence appears, was at this time in use, and stands here commended; and

we may observe, moreover, its reference to public discipline.

<sup>2</sup> See p. 128, note 1, of the preceding tract.

NUMB. of fornication ; only the time is to be double to that of the  
 I. other. But here, likewise, as in the case of fornication, the disposition and temper of the party are to enter into the account, and accordingly as they shall indicate, he may be sooner or later admitted to partake of the Holy Elements.<sup>1</sup>

There still remains to be considered the irascible part of the soul, when it falls into sin, by a departure from the just use of the passion of anger.

Now, since there are many and various instances of sin which take their rise from this fountain of corruption ; for the rest, it hath seemed good to the Fathers of the Church, not to be very exact nor rigid, nor to lay out very much of their thoughts or pains upon them ; although, indeed, the Scriptures have not only forbidden to kill, but likewise to vent opprobrious language, or, indeed, any thing else, which anger would suggest to us, but the only sin, in this kind, against which they have guarded, by solemn denunciations of censure, is that of killing. And this stands divided into wilful and involuntary : the wilful is judged to be that, in the first place, for which a man makes preparation beforehand, and contrives before he acts it ; and, again, that is, in the next place, adjudged to be wilful likewise, which a man commits in the heat of a scuffle, by wounding his neighbour mortally.<sup>2</sup> For he who suffers himself to be overborne by his passion, and is eager to indulge his appetite of revenge, will admit of no healing considerations, of nothing which may prevent the mischief during the continuance of his rage. And, therefore, the death which ensues upon a sudden fray, is very justly censured as an act of the will, and not as the effects of mere casualty or misfortune.

For involuntary cases ; they are easily distinguished, *e. g.* when a man apparently intending another matter, does a fatal mischief through mere misfortune.

<sup>1</sup> Τοῦ ἀγαθοῦ, ‘The good ;’ by way of eminence called so ; as it is called at other times, τοῦ τελείου καὶ τοῦ ἀγαθοῦ, ‘the perfect and good.’ By which is meant the Holy Eucharist ; the perfection and consummation of the Christian worship.

<sup>2</sup> There was then no allowance made to the modern distinction between murder and manslaughter upon duels and rencounters ; passion was either to be subdued, or the effects of it were to be punished as wilful mischiefs.



They, then, who would atone for a wilful breach of the Sixth Commandment, should be reminded, that to such, the time of penance must be trebled ; no less than twenty-seven years, nine in each stage of penance, being appointed for them ; so that, for nine years, they are to continue in a state of absolute and perfect segregation, all entrance within the Church being entirely forbidden them ;<sup>1</sup> for other nine years they are to continue in the Station of Hearers, only to stand hearing with the rest of the people, whilst the Scriptures are read and expounded ; and in the third and last novennial space, they are to offer up such prayers as are proper for, and allowed to the Prostrate ; and thus, at last, are to proceed to the participation of the Holy Eucharist.<sup>2</sup>

But then, here, likewise, as in the former cases, the officer who executes this Church power should have a due regard to the behaviour of the person under Censure, so as to shorten the time of it, as he shall judge to be expedient ; and thus, instead of nine years under each stage, to assign him eight, seven, or five, accordingly as he shall observe the degree of his penitence and compunction to compensate for the time in which he should have lain under it, or to exceed the measures of their diligence, who, in a longer time, make less riddance of the work allotted to them.

But, now, as to involuntary homicide, though it hath ever, indeed, been thought to deserve pardon, yet hath it always been judged very far from meriting commendation. This I have, therefore, suggested, because Canonical Discipline hath thought fit to degrade from the Sacerdotal order, even

<sup>1</sup> Παντελὶ ἀφορισμῷ.] This must refer to the Station of weeping : in which, the penitent, standing at the door, or porch (atrium) of the Church, without daring to come into it, implored the prayers of those who entered, and desired their intercession for a nearer access. The Station next this was that of Hearers.

<sup>2</sup> Μόνης τῶν διδασκάλων, καὶ τῆς τῶν γραφῶν ἀκροάσεως, καὶ τῆς μετὰ τοῦ λαοῦ συστάσεως ἑξουμνον.] Hence it should seem, that in the time and place wherein this Father wrote, the Station of *Consistentia*, after that of Prostration, was not in use. And, indeed, divers passages

of this Epistle shew, that immediately after penitents had passed through the stage of Prostration, they were (forthwith) admitted, as it follows here (εἰς τὴν μιστούσιαν τοῦ ἀγιάσματος) to the participation of the Holy Mystery. However, it is plain, from what hath been cited in the foregoing tract, out of his brother Basil's Canonical Epistle, that this affair was in different places, differently ordered ; and that Basil was well acquainted with the Station of *Consistentia*.—See p. 53, note 2 ; p. 55, note 1.

NUMB. those who have been but casually engaged in blood, as  
 I. persons unclean and polluted.<sup>1</sup>

The time then assigned for expiating the sin of simple fornication is justly determined to be the time of their penance, who have, though unwillingly, been engaged in blood. Yet here, as before, the disposition of the party should come into the account; that if his compunction appear to be real and cordial, the precise number of years should not too rigorously be insisted on; but that he should sooner be restored to all Church privileges by shortening the time of his penance and segregation.

If any one should be in imminent danger of death, who hath not gone through his discipline for the whole time assigned him; the clemency of the Fathers hath then determined that he should not be suffered to enter upon his long last journey, without being furnished with a provision for it, nor without a participation of the Holy Mysteries. But if, after having been permitted to partake of them, the party should happen to recover, he is then to abide the time allotted him, and to continue in the Station, wherein the necessity and the danger found him, in regard to which he was permitted to communicate.<sup>2</sup>

There is yet another species of idolatry, for so the blessed Apostle denominates covetousness, which hath escaped, I know not how, the censure of the Fathers, and seems, indeed, to have been overlooked by them.

This, in reality, is a complex disposition, arising from a mixture, and blending together, of those three affections in the soul, which have here been mentioned.

<sup>1</sup> Ἱερατικῆς χάριτος.] I think I am right in translating this the Sacerdotal Order; what in the Laity was punished with Segregation, being punished in the Clergy with degradation from their Order; which, in those days, was esteemed equivalent to the other. And it was a maxim then, as now, that for the same fault, a man was not to be punished twice; therefore not once with Degradation, and again, afterwards, with Segregation.—See, in Basil. ad Amphilo- ch. Canonic. Epist. can. iii., compared

with Apost. Can. No. 25. [V. Beve- regii Pandect. Canon. vol. ii. p. 53. Oxon. fol. 1672.] Yet this was, I conceive, a rule, which held only in the less heinous instances of sin; for in the greater, Clergymen, it is plain, were not only degraded, but segregated, and in cases of contumacy excommunicated; witness the case of Paulus Samosatenus, mentioned in p. 98 of this treatise, and the 54th Apostolic Canon.

<sup>2</sup> See p. 159.

For, first, as to the rational, that manifestly errs in the judgment it makes of what is truly good, by taking those things to be so, which are found in the material world, and by neglecting all spiritual, immaterial excellence. Then, again, the concupiscible inclines in this case to inferior objects, diverting from what is justly and properly desirable.

Even the irascible itself takes many occasions hence of gratifying its peevish and froward disposition.

In some, I will venture to pronounce, that this whole distemper does entirely agree with the Apostle's character of covetousness, who not only calls it idolatry, but "the root of all evil."

Yet, this species of evil hath been quite overlooked, and unregarded by the ancient Fathers, from whence it comes to pass, that it abounds exceedingly in the Church of Christ, and no person who is brought before the Clergy to be examined as to his life and conversation is at all examined upon this article, whether he be innocent or nocent.<sup>1</sup>

But since this hath been omitted by the Fathers, and no rule is given us concerning it, it may suffice to the cure of it, that as some distempers arising from a plethoric constitution, are removed by gentle evacuations, so we should endeavour to alleviate and soften the guilt of covetousness by prayer and deprecation.<sup>2</sup>

Only theft, and the violation of burial-places, we are taught by the Holy Fathers, to place among sins which are to be expiated by solemn penance. It is true that the Scriptures forbid usury and extortion, with all those corrupt and fraudulent ways of gain, howsoever varnished with the appearances of bargain and contract, which injuriously transfer the property of others to our own possession.

<sup>1</sup> Οὐδὲὶς τοὺς ἐπὶ τὸν κλῆρον ἀγορεύουσιν πεισεργάζεται, &c.] This I have translated, 'No person who is brought before the Clergy,' &c. .... Because I think the sense will hardly consist without such a rendering; and because it was conformable to the usage then obtaining; which was to accuse people guilty of great enormities in the Ecclesiastical Consistory; which had then otherguise privileges and prerogatives than it hath

at present; and if any person then were known to be conscious of another's crimes, which were of Ecclesiastical cognisance, without revealing them, he was himself accounted criminal, and punishable accordingly, by Ecclesiastical Censures.—See Basil. ad Amphilocho. can. 71. [Howel's Synopsis, p. 110. Bishop Beveridge, vol. ii. p. 123.]

<sup>2</sup> See what is written and cited in p. 144 of the preceding tract.

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But since the ancient Canons of the Church are the rules of our present discipline, I shall only presume to add to what hath been already suggested, the sentence and the judgment, which they have allotted to the cases mentioned.

Theft, then, is divided into two sorts; viz. that open robbery, which is attended with force and violence, and that more clancular and secret practice of housebreaking and stealing privately.

The design of both is, indeed, the same, viz. invading another's property, and transferring it to themselves, without right or reason. But the disposition of mind wherewith that design is prosecuted, is very different in the one from what it is in the other. For the open robber hath murder in his views and purposes, should it prove necessary to him to gain his point, and to reach what he aims at; accordingly he comes provided for it, with arms and strength, and chooses, moreover, a fit place for it, so that such an one must be put under the discipline due to murderers if he offers to return into the Church through the door of penance.

Whereas, if he who hath transferred to himself the property of another by secret theft shall unfold his offence to the Priest by secret Confession, it will be sufficient to cure the guilt he hath thence contracted by a quite contrary disposition, and by the reverse of his former practice;<sup>1</sup> I mean, by liberal alms to weed out that covetous humour which led him into his sin. But if he hath not wherewith to do this, he hath, however, his body left him, and should, therefore, expiate his crime in that case by assiduous labour; according to that of the Apostle, “Let him that stole steal no more, but rather let him labour, working with his hands the thing which is good, that he may have to give to him that needeth.”

Eph. 4. 28.

As to the violation of graves and burial-places, that is, likewise, divided into an offence which is pardonable and that which is not so.

<sup>1</sup> There is no doubt but that the holy Father included in a contrary disposition, the sincere desire of restitution, especially since he adds to it, the reverse

of his former practice; and recommends acts of charity, which are ever subsequent to those of justice, and do, indeed, presuppose them.



For, if any one to save charges applies the stones or materials to some other purpose which are usually thrown up before the burial-places of the dead, yet so as not to leave the corpse exposed to the air or light, or otherwise in any way abused or injured, this, indeed, is far enough from meriting condemnation; but custom, however, hath made it excusable, since the public reaps here some benefit by an application of the materials to a more useful purpose.

But to rake into the ashes, and to disturb the bones of the dead, in view of pilfering the clothes or other ornaments wherewith they may be buried, this is a crime which must be punished with the discipline due to simple fornication, as is before recited. The officer, however, who is intrusted with executing it, is here, as before, permitted to shorten the time of it, as he shall judge it expedient from the life and circumstances of the party put under it.

As to sacrilege, that, under the old law, was censured with the same severity as murder was, the sentence of both being, that the party should be stoned to death who was guilty of either. But Ecclesiastical custom hath led, I know not how, to a milder construction of sacrilege than what was heretofore made of it, and the guilt contracted by it hath been cancelled at less expense, since, as we receive it, indeed, from the Fathers, the punishment is of shorter continuance than that for adultery.

But in this as well as in every other species of sin, the disposition and temper of the party under discipline are of principal account; for, as to the length and continuance of the punishment, that alone will go a very little way towards a cure of the distemper to which it is applied; the heart and mind of the patient, the frame and constitution of his soul, being all in all.

These directions, O man of God, I have put together with as much diligence as I could in so short a time, and have sent them to you in testimony of that esteem and regard which we ought always to entertain for our brethren, and for any requests they shall happen to make us!

You, in your turn, will not, I trust, intermit your prayers to God for me. You owe me the grateful acknowledgments of a son whom I have begotten to God, and should accord-

**NUMB. I.** ingly give me what support you can in my old age from your prayers and intercessions, that so, according to the sanction of the fifth Commandment, it may be well with you, and that "your days may be long in the land."

This letter will serve as a proof of my respects to you, and as a token of the fellowship and communion which I hold with you.<sup>1</sup> You for your part will not, I hope, despise my present for being a small one, although, indeed, a man of your worth does always deserve a better.

## NUMBER II.

*The account of Socrates, the Ecclesiastical Historian, Book 5, chap. xix., concerning the Office of Penitentiary in the Primitive Church. Translated from the Greek.*

[Ed. Reading.]

About the same time, viz. in the reign of Valentinian Junior and Theodosius, it seemed good to those in authority that the Penitentiary's Office should be abolished, and that upon the occasion, whereof an account is here intended.

Upon the separation of Novatus and his party from the Church, because they were unwilling to hold Communion with such as had lapsed in the Decian persecution, from that period of time the Bishops had added to the Ecclesiastical roll a Presbyter, whose peculiar office it should be to manage the concerns of penitents who, having fallen into sin after Baptism, were thenceforwards to confess their crimes to the Presbyter so appointed.<sup>2</sup>

This regulation is still in force with all other sects, only the Homoeousians, and such of the Novatians as agree with the former, in the disputed article of the Trinity, have entirely rejected it.<sup>3</sup>

<sup>1</sup> Σύμβολον ἱερατικόν.] This I presume to have alluded to some *tessera*, or watchword; some token (as I have here translated it), or mark of distinction, whereby Clergymen in their travels were known to each other, and acknowledged as orthodox, by those who entertained them. The guest, it should seem, who was thus entertained, left behind him (τὸ ξένιον) some small present in acknow-

ledgment of the civilities he had there received. And to these our author seems to have alluded in the close of this his letter to Bishop Letoius.

<sup>2</sup> The Ecclesiastical roll was a list of the Clergy belonging to each Episcopal Church, which was preserved in the archives of it.

<sup>3</sup> The Homoeousians, it may be fit to inform the less learned reader, were

As to the Novatians, they never, indeed, stood in need of it; and the Homoousians, who are now in possession of the Churches, after having long retained this institution, did, in the time of Nectarius, abolish it, upon a certain foul practice which was discovered to have been committed in one of their Churches by occasion of it.

For a lady of quality, resorting to one of these Penitentiaries, had confessed the sins to him which she had committed after her Baptismal engagements; the Penitentiary directed her to employ a great deal of her time in fasting and prayer, that so with her confession she might give, likewise, an example of works meet for repentance.

In process of time she confesses another enormity to him whereof she had been guilty, viz. that she had been naught with a certain Deacon of that Church. Upon the scandal arising from the publication of this heinous fact, the Deacon was, for his part, degraded; but the people, notwithstanding, were mightily discomposed, and a great ferment was raised by it amongst them, not only in regard to the atrocity of the crime, but in regard, also, to the infamy which this accident might bring upon the Church.

When, therefore, the whole Ecclesiastical Order was impeached and traduced upon this account, one Eudæmon, a Presbyter of the Church, and of Alexandrian extraction, advised Nectarius, who then was Bishop of Constantinople, to abolish the Office of Penitentiary, and to strike his name out of the Ecclesiastical roll, and to allow every man to communicate thenceforwards as his own conscience should direct them, inasmuch as there appeared no other way to rescue the Church from the disgrace and obloquy to which this misfortune had exposed her.<sup>1</sup>

Having had this account from Eudæmon himself, who was author of the aforementioned Council, I am the more bold to give it a place in my history. For, as I have often said, I have all along been as careful as I could to learn the facts

those who held with the Church, that the Son was consubstantial, or of the same substance, with the Father.

<sup>1</sup> Hence, therefore, it should seem, that before resorting to Communion, it had hitherto been the custom for the

people to consult with this Penitentiary, upon their respective fitnesses for that holy Ordinance, and in order thereunto, to lay before him the state of their consciences, with regard to such sins as they had severally committed.

NUMB. II. which I pretend to relate from the best and most credible authorities, and to make a very exact inquiry into them, that I might be sure of committing nothing to writing but what should be to a tittle true.

When Eudæmon told me what I here have laid before my reader, I presently replied to him, "Whether your advice will be of use or detriment to the Church, God only knows." But now I see plainly that it hath given an handle and an occasion for discontinuing that wholesome practice of reprehending one another's sins, and for neglecting that Apostolical precept which directs us "to have no fellowship with the unfruitful works of darkness, but rather to reprove them."

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### NUMBER III.

[Ed.  
Grabe.]

*Sozomen's account of the same Matter, in Book 7, Chap. xvi.  
Translated likewise from the Greek.*

About this juncture of time Nectarius, Bishop of Constantinople, discontinued the Office of the Presbyter, who was specially appointed to take care of Penitents, and the Bishops of the Churches all round him soon followed his example.

What was properly the Office of this Presbyter, from whence it took its rise, and whence its discontinuance, others, perhaps, may relate in a different manner; but, for my own part, I shall give the reader what I think a just account of it.

Since, then, to be quite exempt from sin requires a degree of perfection which is incompatible with the present state of human nature; since God hath appointed for those who truly repent, even though they should sin again and again,<sup>1</sup> a pardon; and since it was necessarily incumbent upon such as sued for that pardon to confess the sin which stood in need of it, the Bishops, it should seem, from the very beginning thought it an intolerable burden, with respect both to

<sup>1</sup> "Again and again," was not the language of purer antiquity, as the reader may have observed in the foregoing treatise. For, however God might par-

don such repeated sins, yet those which were judged to deserve solemn penance, were but once admitted to it.



themselves and to the Penitents who came before them, to be forced upon publishing, in the face of their respective congregations, all the sins which were thus confessed to them; and, therefore, they selected some one of their Presbyters, of the best reputation amongst them for prudence and taciturnity, to preside over and to manage this whole affair. To him offenders were thenceforwards to resort, and to lay open before him the state of their lives and actions. He, according to the nature and quality of each person's sin, was to prescribe them what to do, and how to behave for the future; what austerities they were to submit to, and how to afflict their own souls; and when his directions had been complied with, he then absolved them.

As to the Novatians, they, indeed, making no account of the Penitential Discipline, could have no occasion either for this office itself, or for the officer intrusted with it. But all other sects retain them both to this day. The Western Churches, and especially the Roman, have them in frequent use and in great esteem. For there a public Station is appointed for penitents, where they stand under great appearances of lamentation and sorrow; and when so much of the Liturgy is finished as to the dismissal of the Catechumens, without partaking of the Holy Mysteries with the Faithful, they the Penitents prostrate themselves with sighs and groans upon the ground; the Bishop meets them in this posture with tears, and prostrates himself with them; the whole congregation joins with them in their mourning; then the Bishop first rises, and raises those who as yet are prostrate, and, after putting up proper prayers to God for penitent sinners, he dismisses them. So much for the public. But then every man of them, for himself in private, mortifies himself with all manner of austerities, as he is directed by the Bishop, whose appointments he punctually observes, and waits contentedly the time which is thus allotted him for his continuance under the forementioned rigours: then, when the period assigned him is finished, and the debt, as it were, is cancelled, his sin is remitted, and he associates as before with the rest of the Faithful. This hath been the usage of

NUMB. III. the Roman Church, from the very beginning to our present age.<sup>1</sup>

But in the Church of Constantinople there was a distinct Presbyter appointed to take care of Penitents, until a lady of quality was directed by one of these Presbyters to fast and pray for certain sins which she had confessed to him, and whilst she was in pursuance of these directions, and spent a great deal of her time in the Church, it appeared at last that she was naught with a Deacon belonging to it.

The people grew exasperated with the indignity which herein was offered to the Church, and the Clergy were mightily reproached upon this account. Nectarius was much at a loss what to do in this untoward business; however, he degraded the Deacon who had thus offended, and, upon the advice of some, who counselled him to admit all to communicate as their own consciences should direct or embolden them, he finally abolished the Office of the Penitentiary Presbyter, which Constitution of his hath remained in force from that time to the present.

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#### NUMBER IV.

*The Prayer for Penitents, accompanied with Imposition of Hands. In Constitut. Apostol. Book 8, Chap. ix. Translated from the Greek.*

[Ed. Cotelier.]

Almighty and eternal God, Lord of the Universe, Creator and Governor of all things, Who, through Thy Son Jesus Christ, hast cleansed man, and made him the ornament of this lower world,<sup>2</sup> and hast given him a law in his heart, as well as a written word, that he might live according to Thy will, as becomes a reasonable creature, and after he had sinned didst extend Thy goodness towards him to lead him

<sup>1</sup> The reader should not have been troubled with the repetition of this account of Sozomen, which before was given him in No. ii., from Socrates; but for the additional relation which Sozomen hath inserted of the Western customs with regard to Penitents, and for the

testimony he hath given to the continuance of the Penitential Discipline in those Churches, so late as the period which himself lived in, viz. the latter end of the fifth century.

<sup>2</sup> Whether these words are rightly translated, because it is pretty hard to

to repentance; Thou, Who desirest not the death of a sinner, but wouldest rather that he should turn from his evil way and live, look graciously upon these Thy servants, who here bow down themselves before Thee in humiliation and repentance.<sup>1</sup> Thou, Who didst accept the repentance of the Ninevites turning to Thee; Who wouldest have all men to be saved and come to the knowledge of Thy truth. Thou, Who didst receive with a fatherly compassion Thy prodigal son, though he had spent all his substance in riotous living, seeing at last that he was sorry for his sin, receive in like manner, we most humbly beseech Thee, the supplications of those who turn now unto Thee in penitential tears,<sup>2</sup> for there is none amongst us who sinneth not against Thee and in Thy sight, and if Thou, Lord, should be extreme to mark what is done amiss, O Lord, who may abide with Thee? But there is mercy with Thee [extend it, therefore, we earnestly beg, to these Thy servants]; restore them to the bosom of Thy Holy Church, and to the place and station which they before held in it, through Jesus Christ our Saviour,<sup>3</sup> by Whom, in the Holy Ghost, be all honour and adoration ascribed to Thee, world without end. Amen.<sup>4</sup>

reach the spirit of the original in our language, I shall submit to the judgment of the learned reader. The words of the original are, *ἄνθρωπον κόσμου κόσμον ἰπαίησας* [*ἀναδείξας*, Cot.], where the ambiguity of the words *κόσμου* and *κόσμον* leaves room for a diversity in the rendering. In the construction I have given of them, I have endeavoured to take in both the senses to which they are applicable.

<sup>1</sup> [*Ἐπὶ τοὺς κεκλικόσας* (sic) *σοι αὐχίνα ψυχῆς καὶ σώματος.*]

<sup>2</sup> [*Πρόσδεξαι τῶν ἱετῶν σου τὴν μεταγνωσιν.*]

<sup>3</sup> [*Τοῦ Θεοῦ καὶ σωτῆρος ἡμῶν.*]

<sup>4</sup> This prayer was in constant use at each assembly for solemn worship. When it was finished, the Deacon proclaimed, "Depart all you who are in the Station of penance;" and added, moreover, "Let none depart but those who are appointed. Let us who are in the number of the faithful, pray to God through His Son Christ."

Then followed the bidding Prayer, the Oblation, &c.—See, in this Appendix, No. i., note 1, a farther Account of the Primitive Worship [p. 188].

## NUMBER V.

*Divers Prayers at receiving Penitents to Penance, at hearing their Confession, and at Absolving them. Translated from the Greek, and taken out of the Penitential of Johannes Jejunator, who was raised to the See of Constantinople, A.D. 585.*

When the Penitent was placed before the Altar, the Penitential Service began with chanting certain Psalms, viz. 24, 50, 31, 69, 101.

After which, and the use of some other formularies, the Priest put up the following prayer, before receiving the Penitent's Confession.

O Lord our God, the Father and Lord of all men, Who beholdest all things, and dost indulgently extend Thy pardon to such as turn unto Thee from their sinful ways; Thou, Who hadst compassion upon Thy servant David, confessing his sin unto Thee, and didst prolong the life of Hezekias upon his humble supplication; and didst accept the conversion of Manasses, and deliver him from his manifold troubles; Thou, Who didst forgive Peter and the harlot, approaching to Thee with penitential tears; Who didst justify the publican when he bewailed his guilt; Who didst receive the prodigal with the arms of a tender parent; Who wouldst have all to be saved, and come to the knowledge of Thy truth; Who dost rejoice at the repentance of a sinner, and desirest not his death, but wouldst rather that he should be converted, and live: Do Thou, O most merciful Saviour, hearken, I beseech Thee, to my intercession, the intercession of Thy unprofitable and unworthy servant, who, through the multitude of my own sins, am indeed unworthy to call upon Thy Holy Name. But, inasmuch as I am invested with the character of Thy Priest, and by Thy Commandment, am appointed to receive the Confession of those who acknowledge their sins unto Thee; I approach the foot-stool of Thy throne, though with fear and trembling. Hear me, therefore, O Lord, according to the multitude of Thy mercies, though I have sinned against Thee,



and receive the Confession of Thy servant, who is now before Thee ; and whatsoever guilt he may have contracted, either through frailty or through wilfulness, by thought, word, or deed, do Thou, I beseech Thee, in much mercy forgive it ; for Thou only canst do it ; and, therefore, before Thee, we prostrate ourselves, in fervent prayer, and do glorify Thy Holy Name ; to Whom with the Father and the Holy Ghost, be all praise and honour, now and ever.

After having put up this prayer, it should seem, by himself, and, after having given some proper admonitions to the Penitent, the Priest received his Confession, and then proceeded, in the optative way, to express his wishes and desires, that God would shew him mercy, and extend His pardon to him. And this he did in some one or more of the forms following.

*First Form.*

God, the Lord Christ Jesus, our Ruler and Governor, pardon thee all thy sins, which thou hast confessed to me, His unworthy servant, in His all-seeing presence.

*Second Form.*

God, Who by His servant Nathan, pardoned the sins of David upon his humble confession ; Who, moreover, forgave Peter, though he had denied Him, upon his weeping bitterly ; and absolved the harlot lying prostrate, and wailing at His blessed feet ; and shewed mercy to Manasses, and the publican, and the prodigal son : He Who also said, " Confess your sins to one another ;" may that same Lord Jesus Christ forgive you every sin which you have here confessed in His sight, to me, His unworthy servant, and present you faultless before His judgment-seat, Who is blessed for evermore.

*Third Form.*

God, Who for our sakes became man, and bore the sins of the whole world, will also relieve thee, my beloved, from the burden of those sins which thou hast now confessed before Him, to me, His unworthy servant, and will pardon

NUMB. them both in this life, and in that which is to come ; inas-  
 ——— V. — much as He wills and longs for, and grants Salvation to all,  
 Who is Himself blessed for ever.<sup>1</sup>

The Priest did then proceed to use some one or more of the following intercessions for the Penitent's pardon.

*First Prayer.*

O Lord our Saviour, Who by thy Prophet Nathan, didst remit the sin of Thy servant David, humbling himself before Thee in penitential sorrow, and didst hearken to the prayer of penitent Manasses ; receive, O Lord, to Thy wonted compassions, this Thy servant, who here confesses his sins before Thee, and truly repents of them : for Thou, O Lord, didst command the forgiveness of sins until seventy times seven ; because, as is Thy Majesty, so is Thy mercy. Thou art the God of those who truly repent, and dost Thyself condescend to grieve at our backslidings. To Thee, therefore, with the Father and the Holy Ghost, we render all honour and glory, now and ever.

*Second Prayer.*

O Lord our God and Governor, Who callest the righteous to sanctification, and sinners to make them righteous ; accept, I beseech Thee, the repentance of this Thy servant ; and, as he here humbles himself before Thee in the Confession of his sins, so do Thou cleanse him from all the guilt, wherewith his carnal will may have defiled him ; wash off all stains from his conscience, and make him pure ; strengthen him with Thy might, in fulfilling Thy Commandments ; dispose and qualify him for the remission of all his sins ;<sup>2</sup> that being cleansed both in body and mind, he may become a fit habitation for Thy Spirit, and be rendered thereby an heir of Thy Kingdom, through the mercies and the merits of Thy Only-begotten Son, with Whom, and with the blessed all-quickenings Spirit, Thou livest and reignest, now and ever.

<sup>1</sup> This Form is merely declarative, and seems to have been only designed for the Penitent's comfort, and to intimate the opinion of the Priest that his case was hopeful.

<sup>2</sup> This manner of expression shews, that his sins were not understood to be remitted by any of these forms ; which were therefore only preparatory to his Absolution.

*Third Prayer.*

O Lord God of our Salvation, Who art merciful and compassionate, long-suffering, and abundant in goodness ; Who grieveest for our wickedness, nor wouldst the death of a sinner, but rather that he should turn from his wickedness and live ; be Thou entreated for this Thy servant, grant him the forgiveness of all his sins, accept an atonement for his iniquities, and pardon whatsoever he may have committed against Thee, either through infirmity, or through wilful guilt. Be propitious to him, I most humbly beseech Thee, and unite him to Thy Holy Church, through Jesus Christ our Lord, to Whom with Thee, and the most holy all-quickenings Spirit, be ascribed might, majesty, and dominion, now and ever.

*Fourth Prayer.*

O Lord Jesu Christ, the Son of the living God ; the Shepherd, Who carest for Thy flock ; the Lamb, Who takest away the sins of the world : Thou, Who didst graciously remit to the two debtors what they owed Thee ; and didst pardon the woman who was a sinner coming unto Thee ; and, besides the forgiveness of the paralytic's sin, didst grant him, moreover, a cure of his disease : do Thou, O Lord, spare, forgive, and pardon whatsoever this Thy servant may have committed disobediently against Thee, either through ignorance, or with knowledge ; through infirmity, or with wilful guilt. If, as a man, encompassed with flesh and blood, or, as an inhabitant of this world of sin, he hath in any thing been beguiled, through the fraud of the Devil, and proceeded thence against the light of reason, either in word or deed, ignorantly or knowingly, by any heretical pravity, or through a judicial blindness, or by any imprecation rashly drawn by himself upon his own head ;<sup>1</sup> may it please Thee, whatever it be, to overlook and

<sup>1</sup> Εἴτε λόγῳ αἰρέσεως, εἴτε ὑπὸ κατάραν ἰγίνετο, εἴτε ἰδίῳ ἀναθίματι ὑπίπαιον ἢ ὀρεῶν.

Because the meaning of these words is somewhat obscure and uncertain, I have

given them for the learned reader to make his own judgment of them ; and either to correct or approve mine, as he pleases.

**NUMB.** to forgive it, according to Thine abundant mercies, and to  
**V.** — release him from the bond wherewith it may any way have bound him. O Lord, our God, I beseech thee hearken to my intercession for him, and impute not his sins unto him ; but, according to Thy great goodness, deliver him from Thine eternal wrath. For Thou art the God Who hast said, “ Whomsoever ye shall bind on earth, he shall be bound in Heaven ; and whomsoever ye shall loose on earth, he shall be loosed in Heaven.” Thou art a God Who dost not, nor canst do evil, and art able to forgive sins. To Thee, therefore, and to the eternal Father, and to Thy holy all-quicken- ing Spirit, we ascribe all honour and glory, from henceforth for ever.

*Fifth Prayer.*

O Lord our Father, deliver not this Thy servant into the power of the Devil, and let not our enemies prevail against us. Put into his mouth the observation of Thy laws, and seal up his lips, that no deceitful word may proceed from them. Remove from him a proud look, and cleanse him from all sensual and naughty dispositions. Let no spirit of conceit, nor obstinacy, nor any deceitfulness of tongue, remain in him. Possess his mind with a spirit of goodness, and let no unclean spirit abide with or pollute him. Avert all evil from him, and cancel all the debt he hath contracted by his sin. Look down upon him from Heaven, and make him glad with the joy of Thy countenance ; for in Thee hath he put his trust. Let him not, therefore, become a prey to the Devil. For Thou hast delivered us from eternal death, through the grace of Christ, with Whom, and with the holy all-quicken- ing Spirit, Thou art blessed for ever- more.

After the use of the foregoing prayers, there succeeded certain admonitions and exhortations, with some portions of Scripture applicable to the present purpose ; and then di- rections were given for the Penitent’s behaviour, and for the mortifications he was to submit to. So that all hitherto seems to have been no more, nor other than receiving the party to penance, which was ever performed with great



solemnity, with proper prayers, and with imposition of hands.

When the penitential course which was now assigned the penitent, had been gone through, the party thus bound was loosed in one or both of the forms subjoined.

*First Form of Absolution.*

Most merciful, compassionate, and gracious God, Who, according to Thine abundant pity, hast sent Thine Only-begotten Son into the world to blot out the hand-writing which was against us, and to loose us from the chains wherewith our sins had bound us, and to preach redemption to the captives, and to disarm death of its sting : do Thou, O Lord, vouchsafe to deliver this Thy servant here prostrate before Thee, from the yoke he is at present under, and to loose him from the bond which is imposed upon him ; grant to him that he may at all times, and in all places, approach the throne of Thy glory, without offending Thee, and without defiling his own conscience, and there present his supplications to the riches of Thy grace, because Thou art a merciful and gracious God ; to Whom, Father, Son, and Holy Ghost, we humbly ascribe all honour and glory, now and ever.

*Second Form of Absolution.*

O God, our Lord and Governor, Who didst present Thyself to Thy Disciples, when the doors were shut, after having said, " Peace be unto you. Whosoever sins ye remit, they are remitted unto them ; and whosoever sins ye retain, they are retained." Do Thou, O Lord God, according to that invisible Almighty power wherewith Thou presidest over all things, graciously look upon this Thy servant, and by my Ministry, though I am myself a grievous sinner, wash away his guilt, and remove the causes through which he hath contracted it ; that he who is bound by the Discipline of the Church, may be loosed from the sin which brought him under it ; through Thy grace and compassion, O merciful God, Whose holy Name, Father, Son, and blessed Spirit, be praised and magnified, now and for evermore.

## NUMBER VI.

[P.21.seq.] *Certain Extracts from the Capitular of Theodorus, Archbishop of Canterbury, as published by Monsieur Petit; which represent to us the Form of the Penitential Discipline as it stood in those Days.*

UPON Ash Wednesday, called anciently Caput Jejunii, or Caput Quadragesimæ, all public penitents were to place themselves before the doors of the Episcopal Church, bare-foot, and clothed with sackcloth, and with all suitable appearances of mourning and humiliation. Their respective penitentiary Priests were to attend them, and all together were to present themselves before the Bishop, who was to lead them into the Church, and with his whole Clergy attending and joining with him, to chant the seven penitential Psalms in a posture of prostration, in order to their penance and Absolution. Then rising from prayer, he was to sprinkle ashes over them, and so to lay his hands upon them, and solemnly to pronounce their expulsion out of the church. Accordingly, the Deacons were to see the church-doors shut upon them, and then, the Clergy, following them, brought them back into the church. The Bishop having admonished them upon the heads of the greater sins, and examined their conduct with regard to them, and received their desires of his intercession to God for them, together with their promises of better care for the future, he then proceeded to the following forms, wherein he admitted them to penance, and afterwards absolved them, each, it should seem, separately, and so restored them to Communion, though the entire process of this affair might take up, I presume, the whole Lent season.

*First Form.*

Christ, the Son of God, have compassion on you, and grant you to perform acceptable penance.<sup>1</sup> May He give

<sup>1</sup> Hence it should seem (and it appears indeed otherwise from the penitential directions being postponed to the Abso-

lution) that the penance now assigned to penitents was, according to the modern practice of the Roman Church, per-

you, moreover, a sound faith, a lively hope, a perfect charity, true humility and wisdom, soberness and patience, perseverance in good works, and an happy end. God, of His abundant mercy, pardon you all your sins, present, past, and future. May His Holy Spirit enlighten you; may He guide all your senses; inspire you with holy thoughts and purposes; save your soul; and bring you finally to life eternal.

*Second Form.*

Christ, the Son of the living God, assist and enable you to persevere in good works all the days of your life, and bring you, at the conclusion of it, to life eternal.

*Third Form.*

O God, Whose compassions we all stand in need of, remember, we beseech Thee, this Thy servant, who here presents himself before Thee, despoiled of Thy grace through the infirmities of his flesh. Pardon him, we pray Thee, upon his humble Confession, and spare him upon the devout supplications which he makes unto Thee, that he, whom his sins have accused to Thy justice, may by Thy mercy be absolved and saved.

*Fourth Form.*

Holy Lord, Almighty Father, and Eternal God, Who, by Thy Son Jesus Christ our Lord, hast been pleased to heal the wounds and bruises of our sins; Thou, Who forgivest all wickedness, and pardonest all iniquity; to Thee we humbly bow ourselves, and beseech Thee to incline Thy merciful ears to our prayers, which we make before Thee, on the behalf of this Thy servant, that Thou wouldst graciously remit his guilt, and grant him comfort and gladness for the time wherein he hath suffered adversity; that Thou wouldst mercifully vouchsafe him life, instead of the death which his sins have merited, and give him at last a sure access to life eternal.

formed after their Absolution. But then it will be hard to conclude, in what age of the Church this practice began; or, indeed, to determine hence, that it had any footing in the time of Theodorus,

since the representation is so confused and imperfect, and the Penitential (however for the main his own) hath certainly been interpolated since his time by foreign and later authors.

*Fifth Form.*

Almighty and Most Merciful God, Who hast made the confession of sin a condition of Thy pardon to it ; mercifully come in to the succour of this Thy servant, who hath done wickedness in Thy sight, and hath confessed it before Thee ; that he who is tied and bound with the chain of his sins, may be loosed by the pitifulness of Thy great mercy.

*Sixth Form.*

Almighty and Everlasting God, pardon, we beseech Thee, of Thine infinite goodness, the sins of this Thy servant, who hath here most humbly confessed them to Thee, that the conscience of his guilt may not call louder for punishment, than the pitifulness of Thy mercy may plead for his forgiveness.

*Seventh Form.*

O Lord, I humbly beseech Thy majesty, and implore Thy mercy for this Thy servant, that Thou wouldst be pleased to pardon the sins which he hath here confessed unto Thee, and that Thou wouldst remember no more against him his past iniquities. Thou, Who hast represented Thyself as bringing back upon Thy shoulders the lost sheep with joy, and Who didst receive the publican upon his humble prayer and confession to Thee, be Thou, also, merciful to this Thy servant, and favourably receive the prayers which he makes before Thee, that, after having appeased Thy wrath by his acknowledgment of his sin unto Thee, he may continue hereafter in Thy fear and favour.<sup>1</sup> Let his prayers and his tears ascend up speedily to Thy Throne, and bring down thence Thy blessing upon him ; that so, being restored to the privilege of Thy Sanctuary, he may again be entituled to the hope of Thy heavenly and eternal glory, Who livest and reignest, &c.

<sup>1</sup> " Ut in Confessione placabilis permaneat." The words are somewhat obscure ; I have given them the sense which I conceive to have been designed by them, though they will hardly bear a literal translation. " Placabilis," according to the barbarism of this age, was, I suppose, meant to signify conducing to

appease, or one who was capable of a reconciliation. The former sense was certainly intended in the old manuscript published by Mr. Petit, of which some account is here given in No. viii., where the words are, Ut in Confessione placabili permaneat.



*Eighth Form.*

The Almighty God be your Helper and Protector, and grant you the pardon of all your sins, past, present, and future.

Divers of these Forms I suppose to have been used both in the private and public Absolutions ; and though some of them may be later than the age of Theodorus, yet they are all of them, we see, either precatory or optative, none, as yet, indicative or peremptory.

## NUMBER VII.

*Other Extracts, from the Penitential of Ecbert, who was Archbishop of York, from the year 731, to about the year 767, published by Morinus, and translated from him.*

WHEN any resorted to the Priest for penance, the Priest was directed to retire, and thou to pray by himself in secret.

O Lord God Almighty, be merciful, I beseech Thee, to me a sinner, that I may be rendered, through Thy grace, a fit mediator between Thee and those who would now confess their sins unto Thee ; Thou Who wouldst not the death of a sinner, but rather that he should be converted and live ; receive, I entreat Thee, the supplication of me Thy unworthy servant, which I make before Thee, on the behalf of those who desire to return unto Thee by repentance, that Thou wouldst absolve them from their sins, and preserve them blameless all the rest of their lives, through Jesus Christ, &c. [Morinus, p. 13.]

Another formulary, to the same purpose, out of Theodorus or Bede.

O Lord God Almighty, be merciful, I beseech Thee, to me a sinner, that I may acceptably present my thanks and praises before Thee, for having constituted me, through Thy undeserved mercy, a Minister of Thy Holy Priesthood, and a mediator to intercede with our Lord Jesus Christ on the behalf of sinners, who desire to return unto Him by repentance : therefore, O Lord our Governor, Who wouldst have [P. 40.]

NUMB. all to be saved, and to come to the knowledge of Thy truth ;  
VII. Who wouldst not the death of a sinner, but rather that he should be converted and live ; do Thou receive the prayers which I make before Thee, for these Thy servants, now returning unto Thee by repentance ; give them a broken and a contrite spirit, that they may recover from the snare of the Devil, wherein they are now entangled ; and graciously accept their penance as an atonement for their sins, through the same Jesus Christ our Lord.

When the penitents approached the Priest, the Priest was further directed thus to pray over them.

O God, Who cleanseest the hearts of all who confess their sins unto Thee, and loosest all those from the bond of sin who accuse their consciences before Thee ; give, I beseech Thee, liberty to these captives, and pour in oil upon their wounds, that being rescued from the dominion of sin, they may serve Thee acceptably, with pure hearts, and with free minds, through Jesus Christ our Lord.

Another formulary, to the same purpose, for a single penitent.

Grant to us, Lord, I beseech Thee, that as Thou wast reconciled to the publican upon his prayer, and his Confession of his sin unto Thee, so Thou wouldst now be reconciled unto this Thy servant, that by his continuance in a state of mournful Confession and prayer unto Thee, he may the sooner obtain Thy merciful pardon ; and being restored to the privilege of Communion with Thy Church upon earth, he may be again entitled to Thy Kingdom in Heaven, through Jesus Christ our Lord.

The party next for himself, before he made his Confession, was to put up the following prayer.

O God the Creator of all things, Who didst make and fashion me ; my Redeemer, and my Judge, Who hast given me the will to confess my sins unto Thee ; do thou remove from me all the impediments of shame and bashfulness, that my confession may be full and entire before Thee ; that my love of Thee may prevail with me to keep nothing hid, nor

to misrepresent what I have committed, by any too soft, or favourable rehearsal of it. And if Thou wilt grant this to me, then shall I be satisfied, that I may come into the number of Thy chosen servants.

Then the penitent was questioned by the Priest, or Bishop, as to his faith, &c., and after having made his Confession, and desired the Priest's or Bishop's intercession for him, the Priest or Bishop thus subjoined.

The Almighty Lord, Who said, "Whosoever shall confess Me before men, him will I also confess before My Father which is in Heaven," grant you His blessing, and remission of your sins.

*Or thus.*

The Lord Christ Jesus look upon you, and grant you His Salvation, and inspire you with His spiritual gifts and graces, that the enemy may not be able in any thing to deceive, or to do you violence. The Lord Jesus, Who hath destroyed the Devil, and delivered us from the punishment of eternal torments, receive you into His gracious protection, that through His blessing and favour, you may at last attain to the Kingdom of Heaven. The Lord God turn upon you the light of His countenance, and give you peace all the days of your life. God of His mercy hear your prayer, and sanctify you throughout, that you may be perfect and entire, both in body and in mind, and that the day of our Saviour's coming may find you blameless. May He grant you an Angel of peace to guide and govern your heart, both in this life and in the next, and purify your soul from all stain of guilt. The Lord defend you from all evil, and from all the accusations of your ghostly enemy, that when He shall come in His glory, He may not reject you, but may receive you finally to the felicity of His Kingdom.

If there were time, the following prayers were added.

*First Prayer.*

Hearken, O Lord, to these our supplications, and remove not Thy mercy far from this Thy servant; heal his sores, and pardon his sins, that no transgression of his may sepa-

NUMB. VII. rate between him and Thee; but that he may always cleave to Thee, and may abide with Thee for ever.

*Second Prayer.*

O Lord God, Whose long-suffering is not wearied by our sins, but Who allowest us to appease Thy wrath by our repentance, mercifully look upon this Thy servant, who confesses his sin unto Thee; for to Thee it belongeth to forgive sin, and to absolve those who have offended Thee; Who hast declared, that “Thou wouldst rather the repentance, than the death of a sinner.” Do Thou, therefore, grant unto this Thy servant, that He may perform unto Thee acceptable penance, for the faults which he hath committed against Thee, and<sup>1</sup> . . . may, by the amendment of his life, arrive at length to Thy eternal blessedness, through Jesus Christ.

*Third Prayer.*

O Lord, I humbly beseech Thy Majesty, that Thou wouldst pardon the sins of this Thy servant, which he hath committed against Thee, and now confessed before Thee; Thou, Who didst bring back the lost sheep upon Thy shoulders, and Who didst favourably receive the prayer and Confession of the publican; do Thou, O Lord, accept, in like manner, the Confession and prayer of this Thy servant, that by his continuance in this humble frame of mind, he may the sooner attain Thy pardon, and being restored to the Communion of Saints, and to the Ordinances of Thy Church, may, thence, again be made capable of inheriting thine Heavenly Kingdom.

When the whole Penitential Course was gone through, the reconciliation followed, which was couched in some one or more of the forms subjoined.

*First Form.*

Grant, O Lord, to this Thy servant, fruits meet for repentance, that he may obtain the pardon of his sin, and so be restored to Thy Holy Church, from the unity of which his sin had separated him; through Jesus Christ.

<sup>1</sup> Here is a gap in the Penitential, which I have so far endeavoured to fill up, as to make the sense entire.



*Second Form.*

Almighty and Everlasting God, release, I beseech Thee, this Thy servant, from the sin which he hath here confessed before Thee ; that the guilt of his conscience may call no louder for punishment, than the pitifulness of Thy mercy may plead for his forgiveness, through Jesus Christ.

If there were time, the following formularies were added ; otherwise the preceding were judged sufficient.

*Third Form.*

O Lord, we humbly beseech Thy Majesty, that Thou wouldst mercifully receive to Thy favour this Thy servant, who hath long been disciplined with penitential rigours ; that so being clothed with the wedding-garment, he may be meet for a restoration to Thy royal Table, from which he hath been rejected ; through Jesus Christ.

*Fourth Form.*

O Lord, and Holy Father, Almighty and Eternal God, Who wouldst not the death of a sinner, but desirest rather that he should live ; we humbly beseech Thy Majesty to regard in much mercy this Thy servant, here weeping and wailing before Thee ; look upon him here prostrate at the footstool of Thy Throne, turn Thou his heaviness into joy, put off his sackcloth, and gird him with gladness ; that after so long a separation from the delicacies of Thy Table, he may henceforth be satisfied with the plenteousness of Thy house ; and entering into the chamber of Thee, O King ! may praise and glorify Thy Name, for ever and ever.

*Fifth Form.*

O Lord, hear our prayers, and spare all those who confess their sins unto Thee ; that they whose consciences by sin are accused, by Thy merciful pardon may be absolved, through Jesus Christ our Lord.

*Sixth Form.*

Let Thy mercy, O Lord, prevent, we beseech Thee, this Thy servant, that all his sins may be speedily pardoned by Thine abundant pity, through Jesus Christ.

Then a blessing was pronounced upon the Penitent, in some one, or more, of the forms following.

*First Form of Benediction.*

The Almighty God be merciful to you, pardon all your sins, and deliver you from all evil, preserve you in all good, and lead you finally to life eternal, through Jesus Christ.

*Second Form.*

God the Father bless you ; Jesus Christ protect and keep you ; the Holy Spirit enlighten you all the days of your life ; the power of Christ preserve you ; the Lord pardon all your trespasses and sins.

*Third Form.*

The Lord bless and keep you ; the Lord lift up His countenance upon you, and shew you mercy ; the Lord turn His face towards you, and give you peace, Who liveth, and reigneth, &c.

*Fourth Form.*

The Lord God Almighty bless you, and establish your heart by the abundant aids of His grace ; be your Instructor in all good works ; give you prosperity, peace, and Salvation ; nourish in you all spiritual comforts ; enlarge and strengthen your charity, and defend you by His mighty power from all the machinations of men and devils ; enable you to do whatever He shall require of you ; remove from you the guilt of those sins which you have committed, and grant you the grace you have always asked of Him, through Jesus Christ, &c.

This will suffice to give the reader some notion of the old Penitential Formularies, and to convince him that the

Office of the Priest was hitherto that of mediator, or intercessor; as well as that all Absolutions, whether public or private, were evermore relative to a course of penance, either in public or in private; and did suppose the right and privilege of Communion had been forfeited, and were thereby restored. It is our misfortune, that we have none of these formularies older than the sixth century; nor even these conveyed to us without great and just suspicion of their having suffered from later mixtures.

I shall now subjoin, out of the same author, one further directory for the reception and reconciliation of Clinical, or sick-bed Penitents.

When the Priest came into the presence of the sick, he asked, upon what business he was sent for? The sick answered, "To give me penance." The Priest was then to reply, "The Lord Christ Jesus grant you His merciful pardon. But if God shall look graciously upon you, will you go through the penance which I now shall give you?" And upon the answer of the sick in the affirmative, the Priest, in token of giving him penance, held sackcloth over him, and signed the breast of the sick with the sign of the Cross, in ashes; and then subjoined some one or more of the following prayers.

Ut mihi  
Pœnitentiam  
tradas.

#### *First Prayer.*

Receive, O Lord, we beseech Thee, the supplications and prayers which we make before Thee, for all Thy servants in distress and sickness. Replenish all those with Thy mercy, to whom we extend these offices of our charity, that we may rejoice in Thy blessings upon them, through Jesus Christ.

#### *Second Prayer.*

Eternal God, Holy and Almighty Father, extend, we beseech Thee, Thy merciful aid to all those whom we visit in their distress and sickness; that whomsoever we approach with these our charitable offices, Thy Spirit may take up His abode in their hearts, through Jesus Christ.

#### *Third Prayer.*

Hear us, O Lord, Holy Father, Almighty and Eternal God, and if there be any distress or sickness in the dwelling

NUMB. VII. of this Thy servant, let the power of Thy Majesty drive it hence, through Jesus Christ our Lord.

N.B.—The three preceding prayers seem preparatory to the following forms.

*First Form.*

O God, Who wouldst have none to perish, but wouldst rather that all men should come to repentance and live; Who so smitest the sinner, that Thy correction is only the harbinger of Thy love; Who, as a tender Shepherd, bringest back Thy lost sheep upon Thy shoulders into his proper fold, leaving the ninety and nine who had never strayed, to fetch back again that which had wandered from Thee; we most humbly beseech Thee, that Thou wouldst vouchsafe in like manner, to absolve this Thy servant, who lies here before Thee, having erred and strayed from Thy ways like a lost sheep; through the mercies and the merits of Jesus Christ.

*Second Form.*

O God, Who didst add fifteen years to the life of Thy servant Ezechias, raise up, we beseech Thee, this Thy servant from the bed of his sickness, and by the same mighty power restore his health, through Jesus Christ.

*Third Form.*

O God, Who by the prayers of Thy Holy Apostle St. Peter, didst raise Thy servant Dorcas to life again; hear in like manner, we humbly beseech Thee, the prayers which we offer before Thee for this Thy servant, whom we visit in Thy Name, that, by our intercession, he may receive from Thee the cure of all his maladies, through Jesus Christ.

*Fourth Form.*

Look mercifully, O Lord, upon this Thy servant, and assist him graciously; let Thy hand, as well as mine, be upon the bed of his sickness, and assuage his sufferings; least mine alone, who am myself a grievous sinner, be not sufficient without Thee to relieve him. Do Thou grant him therefore Thy mighty aid, that when we call upon Thy Name, his disease may leave him; and he may recover his former health,



to praise and glorify Thee in the face of Thy Church, through Jesus Christ.

*Fifth Form.*

Look graciously, O Lord, upon this Thy servant here lying under Thy hand in great weakness of body; comfort the soul of Thy servant, the work of Thine hands; that being amended by Thy chastisements, he may always acknowledge Thee for his Saviour and Deliverer, through Jesus Christ.

*Sixth Form.*

O God, Who favourably beholdest the whole Creation, incline Thine ear to these our supplications, which we make before Thee for this Thy servant; look graciously upon him in his present distress; visit him, O Lord, with Thy Salvation, and heal his sickness, through Christ Jesus.

*Seventh Form.*

O God, Who hast given to mankind many and excellent gifts, in order to their eternal welfare; grant unto this Thy servant, the gifts and graces of Thy Spirit; that he may acknowledge both the health of his body and the Salvation of his soul, to have been derived from Thee, Who art the Giver of every good and perfect gift, through Jesus Christ.

*Eighth Form.*

O God, Who commandest all things both in Heaven and earth; and Who by Thy mighty power dost drive away all sickness and all diseases from our bodies; mercifully look upon this Thy servant, that having recovered his health and strength, he may glorify Thy Name, through Jesus Christ.

*Ninth Form.*

O Lord and Holy Father, Almighty and Eternal God, Who dost perfect Thy strength in our weakness, and makest our bodies healthy and strong; mercifully look upon this Thy servant, and removing the cause of all his infirmities, restore him, we beseech Thee, to his former health, through Jesus Christ.

NUMB.  
VII.

If the sickbed penitent, after having testified his desire of penance before sufficient witnesses, grew speechless or delirious before the Priest could reach him, all was transacted for him, as if he were capable; and he was solemnly reconciled, without Confession, or other apparatus, in one of the following forms.

*First Form.*

O most merciful and gracious God, Who, according to the multitude of Thy mercies, dost so put away the sins of those who truly repent, that Thou rememberest them no more, open Thine eye of pity upon this Thy servant, who most earnestly desires pardon and forgiveness. Renew in him, most loving Father, whatsoever hath been decayed by the fraud and malice of the devil, or by his own carnal will and frailty. Restore him to the unity of Thy Church, by a full and perfect remission of all his sins. Consider his contrition; accept his tears; and, as he putteth his full trust only in Thy mercy, admit him to Thy peace, and be Thou reconciled to him, through Jesus Christ.

*Second Form.<sup>1</sup>*

Most merciful and gracious God, Who confineest Thy pardon to no one season of life, but art always ready to open the door of Thy mercy to such as knock and ask for it; Thou, who rejectest not the approaches of penitent sinners to Thee, even in their last moments; look down with an eye of compassion upon this Thy servant, confessing his sins unto Thee, and earnestly desiring Thy pardon and forgiveness. Renew in him, most loving Father, whatsoever he may have committed against Thee, by thought, word, or deed, through the fraud of his ghostly enemy; and as he is one of those whom Thou camest to redeem, reunite him, we beseech Thee, to the body of Thy Church. Consider his contrition, accept his tears; and, as he putteth his full trust only in Thy mercy, receive him to Thy favour, and vouchsafe

<sup>1</sup> The former of these seems fitter of the two, for the case of such Clinical Penitents, as had given proofs of desiring penance, but grew delirious or speech-

less before the Priest's arrival. This latter expressly mentions the Confession of his sins, and implies it to have preceded.

to be reconciled unto him. For Thou canst easily wipe out the stains which any soul may have contracted by its habitation in a frail and mortal body. Thou art true and faithful in all Thy sayings, and hast pronounced Salvation to the sinner, as soon as he shall return from the wickedness of his ways. Do Thou, therefore, forgive and save Thy servant now before Thee, through Jesus Christ.

Then followed the Benediction, in some one or more of the subjoined Formularies.

The Introduction to which here follows:—

“The Lord spake unto Moses, saying, Speak unto Aaron <sup>Numb. 6.</sup> and to his sons, saying, On this wise shall ye bless the <sup>22-26.</sup> children of Israel, saying unto them, The Lord bless thee, and keep thee; the Lord make His face shine upon thee, and be gracious unto thee; the Lord lift up His countenance upon thee, and give thee peace,” Who liveth and reigneth, world without end.

#### *First Form.*

God the Father Who created you; Jesus Christ Who suffered for you; the Holy Spirit Who hath been shed upon you, heal and help you. The whole blessed Trinity be ever with you, all the days of your life. Amen.

#### *Second Form.*

God the Father bless you; the Son of God relieve you; the Holy Spirit of God enlighten you; receive your body and soul into His gracious protection; and lead you finally to life eternal. Amen.

#### *Third Form.*

“The very God of Peace sanctify you wholly; and I pray <sup>1 Thess. 5.</sup> God your whole spirit, soul, and body, be preserved blame- <sup>23.</sup>less unto the coming of our Lord Jesus Christ.”

#### *Fourth Form.*

The Almighty God, Who hath said, “Whosoever shall confess Me before men, him will I also confess before My

NUMB. Father which is in Heaven," pour upon you His blessing,  
VII. and grant you the remission of all your sins.

*Fifth Form.*

The Lord Christ Jesus look upon you, grant you His Salvation, and give you the graces of His Spirit, that the enemy may not approach to hurt or to deceive you.

*Sixth Form.*

The Lord Jesus Christ, Who hath slain the Devil, and delivered us from the wrath to come, receive you into His most mighty protection, that you may come at last by His blessing to His Heavenly Kingdom.

The Most High God, the Almighty Lord of Life, defend you from all danger, both in this world and in the next. The Lord lift up the light of His countenance upon you, and grant you peace all the days of your life. The Lord sanctify you throughout, that you may be lowly, perfect, and entire both in body and soul; and be preserved blameless in both, unto the coming of our Lord Jesus Christ.

The Lord grant you an Angel of Peace to guide your heart both in this world and the other. May He purify your soul from all guilt, defend you from all evil, and from all the accusations of your ghostly enemy. And when He shall come in His Majesty to judgment, may He not reject you, but receive you to the recompense of His glorious Kingdom.

Thus far our Archbishop Ecbert; from whom, it appears, that all Absolutions as yet were precatory. Nay, and to go much lower than the period whence these collections are taken, even to the latter part of the eleventh century, there we shall find them running in the same form. Mr. Petit hath published a Breviary composed for the use of a certain monastery in Italy, which, though it carries divers marks of that age's superstition, yet hath all its Forms of Reconciliation, which are very many, precatory and optative.

Paschasius Quesnel conjectures this Breviary to have been composed soon after the year 1086.



## NUMBER VIII.

AFTER, then, the sick Penitent had confessed, and Penance was enjoined him, he was absolved, and blessed in forms so little varying from what have been already translated, and those variations declining so much towards the worse, that it will not be worth while to trouble the reader with them. Only it may be fit to note that, after Absolution there followed the Unction of the Sick, and then he was admitted to communicate; since, as Morinus hath well observed,<sup>1</sup> “it was long before Absolution was in point of time distinguished or separated from the participation of the Body and Blood of Christ,” which in this Breviary was attended with the Formularies here subjoined.

O Lord Jesus Christ, our Saviour and Redeemer, mercifully regard the supplications which we make for our sick brother here before thee, that this holy Eucharist may be a defence and shield to him in body and soul, and may enable him to partake of Thy eternal glory, Who livest and reignest, &c.

The Body and Blood of our Lord Jesus Christ preserve your soul and body unto life eternal.

Holy Lord, Almighty Father, and Eternal God, we humbly pray, that the Body and Blood of Jesus Christ, Thy Son our Lord, may preserve the body and soul of this Thy servant now receiving it unto life eternal.

God the Father bless thee, Jesus Christ relieve and help thee, the Holy Spirit of Grace enlighten thee, preserve thy body, and save thy soul; illuminate thy heart, guide all thy senses, and lead thee finally to a better life; Who liveth and reigneth, Three Persons in One ever Blessed-Deity, for ever and ever. Amen.

<sup>1</sup> Antiquissimis illis temporibus Absolutio ab Eucharistia non separabatur. — Morin. de Pœnitent. lib. x. cap. i. § 10.

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